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### Cops, Critics and Confrontation

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Appendix to

# **Cops, Critics and Confrontation**

**The public debate on police violence in New York and its historical roots**

**Detailed study of Part II — micro-level analysis of the  
public debate on an incident of NYPD violence**

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## Analysis for Chapter 1: Police critics

This chapter looks at the group of stakeholders that are critical of the police involvement in the Sean Bell shooting. This group, far from homogeneous, ranges from moderate to extreme critics, from prominent community leaders and prestigious human rights organizations to obscure community groups and grass roots initiatives, and from related family members to passers-by and random ‘people on the street’. The NYPD is even criticized from within its own ranks by African-American police fraternities such as the ‘100 Blacks in Law Enforcement Who Care’. The group’s composition also varies depending on time and location. In court the group of police critics comprises the victims, family members and their lawyers, but the group is much larger and more diverse in the numerous protests that have been taking place.

The most prominent of these critics is the Rev. Al Sharpton, who from the outset has sided with the Bell family and with victims Joseph Guzman and Trent Benefield. Together, they form a core group of police critics, which also includes the victims’ lawyers, and comprise an important segment of this chapter’s analysis, as their actions and words have strongly influenced other police detractors. The main focal point of this chapter, however, is the synergetic actions between the many different groups, which result in an overall positioning based on collectively felt perceptions within collectively constructed framings. This chapter hence focuses on the common denominator between the different groups of police critics.

Yet differences between these diverse groups will not be overlooked. A relative outsider to this group, in particular, is the New York Civil Liberties Union. Although a fervent critic of the NYPD, the organization commented only very sparsely on the Sean Bell shooting. Moreover, the nature of communication is remarkably different from that of other police critics. Therefore the communication of this group will be analyzed separately in Subsection 1.3.1.

The notion of ‘the police as a vehicle for political communication’ discussed in the first part of this research, is also scrutinized in this chapter, but now from a broad organic viewpoint. More specifically, the notion is examined as part of the framings constructed by police critics.

## 1.1 Perceptions and images

Before one can understand how the police critics have positioned themselves in the debate and how they actually communicate with other stakeholders, it is important to understand their perceptions of the incident, of other stakeholders, and of themselves. Such perceptions are both scattered and elusive, as they can vary extensively within a group of stakeholders and may also change over time. Moreover, perceptions are often intangible, as they are an activity of the mind that is filtered when expressed, and sometimes not even expressed at all.

In the following analysis, these scattered perceptions are captured in labels that occur throughout the aftermath of the shooting. Such labels can be seen as spontaneous rhetorical strategies to categorize stakeholders and events, but also as strategic PR discourse enacted by group leaders to express and emphasize the perceptions and feelings of their followers. In this sense, labels are used as agenda-setting tools. The distinction between the two is hard to make due to a degree of overlap, as pointed out in the introduction to this research. Either way, the labels can be seen as thoroughly executed and deeply entrenched symbolism.

### 1.1.1 ‘50 shots’: A label for perceived police behavior

Police critics frequently convey their perceptions of the shooting and the police throughout the aftermath of the incident. However, there is one description of the shooting that stands out and reoccurs much more frequently than others. More specifically, the shooting is nearly always depicted by the number of shots fired. Take for example the following excerpts, in which police critics either implicitly or explicitly describe their perception of the shooting:

#### *Just after the shooting (November 2006)*

A *New York Times* excerpt on the immediate response to the shooting:

Mr. Sharpton said Mr. Guzman might have been struck by anywhere **from 8 to 17 bullets**. “The doctor told us it was **17 wounds**,” which could have included entry and exit points, he noted.

[...] An aunt of Mr. Guzman, who [...] did not give her name, said her nephew had been shot repeatedly. “He got shot **17 times** by the police,” she said. “Unbelievable. My nephew is laying up there fighting for his life, **shot 17 times. It’s not right.**”<sup>1</sup>

#### *Just after the funeral (December 2006)*

Jonathan Abady, a lawyer who has defended police shooting victims in the past, discusses the shooting:

“It’s hard to believe that they would have fired **50** shots into a vehicle on Park Avenue and 57th Street in Manhattan.”<sup>2</sup>

### *During the trial (Spring 2008)*

A *New York Times* depiction of a courtroom scene:

Relatives of Mr. Bell were **visibly disturbed** by testimony on Tuesday from a criminalist who donned rubber gloves and gingerly handled the leather coat that Mr. Bell was wearing when he was shot.

Fifty shots were fired, and Mr. Bell was shot four times, but there were 14 bullet holes in the bulky coat, as some bullets may have passed through it without striking Mr. Bell, said the criminalist, Michelle Miranda. In the gallery, Mr. Bell's father, William Bell, **shook his head** and could be heard murmuring to his wife, Valerie. As the testimony continued, there **was more and more whispering among the Bell family's supporters**.

**Finally, Mr. Bell's fiancée, Nicole Paultre Bell, who was to marry him on the day he was shot, rose and left the courtroom, opening the rear door with a slam. Mr. Bell's parents and others rose to follow.**

Outside the courthouse afterward, William Bell said the number **of bullet holes in the clothes of his son and his friends seemed to speak volumes**.<sup>3</sup>

These statements are not isolated remarks. When scrutinizing the communication of police critics in the aftermath of the shooting, an immediate, persisting and eminent emphasis on the amount of shots fired in the shooting becomes apparent.

What is striking in the statements above is that speakers connect the number of shots to the notion of justice; a notion that will be further examined in Subsection 1.3.1. The connection is most pronounced in the quote taken from an aunt of Mr. Guzman, who connects '17 shots' to 'it's not right'. Similarly, Mr. Bell connects the 'bullet holes' to 'speaks volumes', volumes in this matter denoting injustice. The non-verbal signs of disapproval displayed by the Bell family in court further emphasize this notion. The large number of bullets in fact becomes self-explanatory: The bullets fired literally speak 'volumes', making the amount of bullet symbolic for the injustice done.

Although general references to the amount of shots are frequently made — such as in the statements above — it is the total amount of shots fired, the symbolic 50 — that is used most frequently in the communication of stakeholders. The perceptions concerning the shooting and the role of the police in this are thus condensed in the label '50 shots', which can be both seen as a communication strategy and a rhetorical strategy, as explained in the subsequent subsections.

#### **'50 shots' as a communication strategy: Perpetuation and reinforcement**

Mr. Sharpton strongly influenced the creation and perpetuation of the '50 shots' label, expressing and reinforcing the community's perception of the incident and of the New York Police Department at large. More specifically, in the communication strategy and rhetoric applied by Mr. Sharpton and community members to express their feelings of injustice, the symbolic '50 shots' becomes a focal point:



### *Slogans used frequently during different protest marches*

“**41** now **50**”<sup>4</sup>

“**Fifty** shots, that’s not **hot**”<sup>5</sup>

“**Shot**” and numbers from **1 to 50**.<sup>6</sup>

### *Just after the shooting (November 2006)*

A *New York Times* excerpt on one of the protest marches:

“**How many shots?**” Mr. Sharpton asked yesterday, **over and over**, in a chant at a rally in a park near Mary Immaculate Hospital, where the wounded men were being treated. The crowd called back, “**Fifty!**”<sup>7</sup>

### *Before the grand jury process (January 2007)*

A *New York Times* excerpt on one of the vigils held in memory of Sean Bell:

The mother of Sean Bell [...] said that she would stand vigil outside the police station for the 103<sup>rd</sup> Precinct, where the shooting occurred. The mother, Valerie Bell, said she would continue the vigil for **50 days, the number of bullets fired** in the Nov. 25 shooting, or until indictments were filed in the case.<sup>8</sup>

### *During Mr. Sharpton’s court hearing (October 2008)*

A *New York Times* excerpt on the court hearing following the protest marches held after the acquittals:

Mr. Sharpton said he would pick up the tab for each defendant and would pay with **\$50** bills to represent the number of shots fired at Mr. Bell’s car in November 2006.<sup>9</sup>

Again, the number of shots is linked to injustice (i.e. ‘not hot’), but the connection is less pronounced than in the previous quotes. Instead, ‘50’ is used as a self-explanatory symbol, explaining without clarification the injustice done to Sean Bell and the black community. The rhetorical repetition (over and over) further emphasizes this injustice.

Apart from the usage of the symbol ‘50’ as spontaneous discourse to explain injustice, it is also applied as a PR strategy to put this injustice on the political and public agenda. The vigil held by Ms. Bell and the \$50 bills to be paid by Mr. Sharpton are explicit examples of the latter function, yet other quotes can also be seen as strategic PR discourse. Hence the line between spontaneous discourse and strategic PR discourse is very fine. The strategic usage of the number ‘50’ as a PR symbol allows for prolonged media attention for the shooting (both examples were picked up by the *New York Times*). In that sense, the symbol ‘50’ has an indirect agenda-setting function, serving as a catalyst to reiterate the magnitude of the case. Similar to the rhetorical strategy to ‘emphasize by repetition’, ‘50’ as a PR symbol is thus reiterated too.

### **50 shots: A symbol for magnitude, culpability, excessive police violence and lawlessness**

What does the label ‘50 shots’ exactly stand for? Besides referring to the notion of injustice, the label’s most explicit meaning is the level of magnitude of the shooting, in this sense implying that the amount of shots is excessive. Not just one shot was fired, but in total 50, and this number ‘speaks volumes’.

To better understand the deeper symbolic meaning of the label ‘50’ and its connotation to the perceived injustice, it is also important to look at other references that describe the shooting and are linked to the word 50 or, more generally, to the volume of shots fired and the overall nature of the shooting. Take for example these descriptions:

#### ***Just after the shooting (November 2006)***

Bishop Lester Williams, the pastor at the Community Church of Christ, who was going to officiate at Sean Bell’s wedding:

“Those **shootouts** are like the **Wild, Wild West out there**. [...] That’s an **execution** — that’s like putting someone in front of a **firing squad**.”<sup>10</sup>

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“It’s **Little Iraq**, I’m sorry, especially **toward the blacks in the community**,” he said before attending the meeting. “**We** don’t feel protected.”<sup>11</sup>

#### ***At one of the protest marches (December 2006)***

Kelly Keating, a bystander at Mr. Sharpton’s ‘Shopping for justice’ protest march:

“It’s beautiful and amazing, the number of people who have come together for one cause [...] As for the cops, it’s a shame. They should fire the cops **who fired all those times. It’s murder**.”<sup>12</sup>

#### ***Just after the acquittals (April 2008)***

A *New York Times* excerpt on a memorial service:

“My mother always has to look outside her window and worry about us because of the cops,” said Ray Powell, 23, a Queensborough Community College student who was at the memorial on Friday. “**If it was me, if I shot a gun 30 times, I would get the death penalty**.”<sup>13</sup>

#### ***Personal interview held with Charles Barron (October 2009)***

City Councilman Charles Barron:

“You **spray** fifty bullets around the community; **that is reckless**.”<sup>14</sup>

The quotes above — either directly or indirectly — provide insight into the symbolic number ‘50’. First, the number of shots fired is linked to magnitude (‘all those times’), as well as to callousness (‘spray’, ‘reckless’), and ‘murder’, all of which are condoned by the justice system, because the officer was white (‘If it was me, if I shot a gun 30 times, I would get the death penalty’).<sup>15</sup> More

indirectly, the quotes draw parallels with the ‘Wild, Wild West’ with its untamed, lawless and unruly character (‘shoot outs’, ‘out there’), with ‘illegitimate’ and ‘unfair’ warfare (‘little Iraq’), and with one-sided killing and illegitimate street justice (‘execution’, ‘firing squad’).<sup>16</sup> While these associations do not directly relate to the number ‘50’, they do refer to situations in which many shots are fired. Also striking is that the vocabulary in the excerpts above chosen to describe the Sean Bell shooting, as well as other shootings, has a harsh and uncompromising character.

These descriptions in turn provide more insight into how the police critics perceive the shooting and the role of the officers implicated in it. While police critics perceive the incident itself as an unjust, unlawful, one-sided act of excessive violence, they believe that it is the police who are solely to blame for this violence. Hence the shooting is characterized as ‘murder’. In a broader and more indirect sense the label ‘50 shots’ also comprises the notion of culpability: It is the police who are to blame for the shooting.

This negative image extends beyond the incident itself and the detectives involved. The depictions hence can be seen both as perceptions of the current shooting and as a framing in which the shooting is placed: It is the police and their actions in general that are perceived negatively, as the incident does not stand on its own. This broader framing will be discussed in Subsection 1.2.1.

### **50 shots: An impersonal image of the police officer**

Besides comprising images of magnitude, injustice, guilt and violence, there is another element important in the ‘50 shots’ label. As the label represents the shooting in relation to the police, ‘50 shots’ is a rather impersonal and detached image of the force, especially in contrast to the personal and emotionally charged ‘Sean Bell’ label, which will be discussed next. It is remarkable that ‘50 shots’ is the only substantial label used to describe the role of the police in the shooting. Of course, police critics describe their perception of the police on numerous occasions, yet none of these descriptions are reiterated in the way ‘50 shots’ is. This impersonal aspect of the label ‘50 shots’ strongly influences the already existent ‘us-versus-them’ positioning, which will be further scrutinized in Subsection 1.3.2.

### **Summary**

In short, the label ‘50 shots’ succinctly captures the scattered and elusive perceptions held by police critics. They associate the shooting with magnitude and injustice and the police with guilt and lawlessness, but also with an impersonal ‘them’. The label ‘50 shots’ also comprises the police critics’ perceptions of culpability for the shooting: It is the police who are to blame for this. Time and place are parameters of no relevance in this matter: The label is used without discrimination of location and emerges almost instantly after the shooting, while reiterated throughout the aftermath.

As the label is so strongly perpetuated, it has the potentiality to affect the positioning of the police critics, but also the perceptions, framings and positions held and constructed by other stakeholders, in particular the NYPD and police defenders.

### 1.1.2 ‘Sean Bell’: A self-label for the black community

Apart from the perception held by police critics on the NYPD and the role of the implicated detectives in the shooting, it is also important to understand how Sean Bell and his involvement in the shooting are viewed by the group of police critics.

Similar to his role in the perpetuation of the label ‘50 shots’, Mr. Sharpton strongly influenced the articulation, further development and reinforcement of the perceptions held by police critics on Sean Bell. The memorial speech carried out by the reverend at Sean Bell’s funeral not only captures existing feelings, but also serves as a catalyst, crystallizing the leitmotif for protest marches to come. To understand the development of perceptions and images, it is first important to scrutinize this speech:

#### *At Sean Bell’s funeral (December 2006)*

*A New York Times* excerpt:

The first to speak was the Rev. Al Sharpton, who has advised the grieving family. Mr. Sharpton noted that 51 years ago, to the day, Rosa Parks was arrested in Montgomery, Ala. She had faced down injustice and made history, he said. Now it was Mr. Bell’s turn.

[...] “They took his life, but we can’t let them take his **legacy**,” the Rev. Al Sharpton said, repeatedly greeted with cheers and “Amens” from the overflow crowd. “We must give **Sean** a **legacy. A legacy of justice, a legacy of fairness.**”

[...] At the end of his speech, he called out, “**Goodnight, Sean**, sorry you had to leave us so soon, but **we’ll** make sure **they** don’t forget you!”<sup>17</sup>

Several elements stand out in the statement above. First, with this statement, Sharpton simultaneously points out that Sean Bell *has* a legacy and that *we should give* him a legacy. This statement not only implies that Sean Bell is someone who represents justice and fairness (‘he has a legacy’), but also that the black community has a task to propagate this representation of justice and fairness (‘we must give him a legacy’). In other words, Sean Bell is and should become a symbol for justice. In this, Sharpton aims high: Sean Bell should become a symbol just like Rosa Parks, the woman who refused to give up her bus seat to a white man and with that stand became an iconic figure in the civil rights movement. By doing so, Mr. Sharpton not only ‘introduces’ the label ‘Sean Bell’, he also places it within the broader context of the civil rights movement, which will be further discussed in Section 1.2.

There is a second important notion interwoven into Sharpton’s speech. Besides introducing ‘Sean Bell’ as a label, Sharpton also forges a connection between the community and Sean Bell. In Sharpton’s words, Sean Bell becomes someone everyone in the black community knows and can

relate to. This is not only reflected in the statement itself, but also in the choice of words used by Sharpton. By addressing Sean Bell by his first name, by speaking directly to him, and by consequently using the pronoun ‘we’, Sharpton creates an intimate ‘like knows like’ group feeling, further reinforcing the already existing ‘us-versus-them’ sentiments felt by community members. In this sense, Sean Bell is not just a symbol for justice and goodness in general, but is so in relation to the community he represents.

In short, the victim Sean Bell becomes a label in Sharpton’s speech, capturing and condensing existing feelings towards Sean Bell and the community in general, and serving as a catalyst to further express these feelings, but also as a ‘binding agent’ for the community. The following subsections will further scrutinize the notions ‘Sean Bell has a legacy’ and ‘Sean Bell needs a legacy’, as well as the solidarity and attachment forged and felt amongst community members.

### **The need for a legacy: A communication catalyst for persistent manifestation**

Mr. Sharpton’s call to give Sean Bell a legacy was answered by his followers in the period that followed the funeral. Evidence of this includes the numerous references to the label ‘Sean Bell’ in the protest marches that took place in the aftermath of the shooting, as well as in other venues. Slogans such as ‘I am Sean Bell’ and ‘We are Sean Bell’ are used randomly in protest marches, on billboards and in chants.<sup>18</sup> They also appear in cultural manifestations and as merchandising worn by community members. For example, at the burial of Sean Bell, the procession of vehicles bore spray-painted messages to Mr. Bell reading ‘RIP Sean,’ and ‘RIP Sean We Love U’ on windshields and windows.<sup>19</sup> More indirectly, the *New York Times* often refers to the wedding ring Ms. Paultre Bell is wearing, noting that Sean Bell has been buried with the ring.<sup>20</sup> Mr. Guzman has been seen wearing a “long chain with a diamond-studded ‘S’ hanging from it”.<sup>21</sup> ‘Sean Bell symbols’ also appeared in court: children wearing buttons with his photograph and Mr. Guzman sporting a hooded sweatshirt reading “RIP Sean Bell”.<sup>22</sup> Hip-hop artist Mos Def and his crew dressed in shirts reading the same texts at concerts.<sup>23</sup> Similarly, members from the hip-hop group ‘The Roots’ dressed in T-shirts during performances that read ‘We Are Sean Bell’.<sup>24</sup> Also of interest in this matter is how police critics refer to Sean Bell in other police-violence cases. Take for example the following excerpt:

#### ***After the police shooting of Fermin Arzu (May 2007)***

A *New York Times* excerpt:

Mr. Arzu was killed by a bullet that entered his back; four more bullets were found in the vehicle’s door frame, rear back panel and the panel over the taillight, the police said. He was shot, Mr. Sharpton pointed out, on what would have been **Mr. Bell’s 24th birthday**.<sup>25</sup>

Mr. Sharpton's plea to perpetuate the label 'Sean Bell' and the legacy it represents thus becomes a catalyst for persistent manifestation and protest, but also provides a powerful referential tool for the reverend's rhetoric, even in other police-violence cases.

### **Sean Bell has a legacy: Images of a 'good kid'**

As stated by Mr. Sharpton at the funeral, the label 'Sean Bell' stands for a legacy of justice and goodness. This legacy is reinforced in the media by family members, friends, and Mr. Sharpton and his supporters:

#### ***Just after the shooting (November 2006)***

*New York Times* excerpts on how people close to Sean Bell describe him:

Marie Gillion, an aunt of Ms. Paultre, said in a telephone interview that the families had been overjoyed at the prospect of the wedding. "**Sean is a good kid**," she said, choking back sobs." The family wanted them to be married. And for this to happen. This is so sad."<sup>26</sup>

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"He was a great **baseball player**. He would have signed professionally," Bishop Lester Williams [who was to officiate at Mr. Bell's wedding] said. "He **gave up** all that baseball and everything to be with his **high school sweetheart**."

Mr. Bell worked odd jobs while the couple lived with Ms. Paultre's parents in an apartment on Beach 27<sup>th</sup> Street in Far Rockaway, Mr. Crawford [cousin] said. Still, Mr. Bell **kept in shape, running and lifting weights**, Mr. Crawford added, **hoping to return to the sport one day**.

[...] "He didn't want any more of New York life," Mr. Crawford said. "**New York is violent**."<sup>27</sup>

#### ***Just after the shooting (November 2006)***

Mr. Sharpton speaking at a protest rally:

"He was doing the **right thing**. [...] He was going to **marry the mother of his children**."<sup>28</sup>

#### ***After the acquittals (April 2008)***

A *New York Times* excerpt on a speech held by Mr. Sharpton at the National Action Network's headquarters in Harlem:

At one point during his 30-minute speech, Mr. Sharpton's voice rumbled to a scratchy crescendo as he spoke of his childhood in Brownsville, Brooklyn, and how his mother fought to keep him out of trouble and make sure he got an education.

**Then, with tears streaming down his face**, he pointed to Valerie Bell and Ms. Paultre Bell and said: "I'm going to help these two women **fight for that little boy**. That **little boy** didn't deserve to die, and this city is going to deal with the blood of Sean Bell."<sup>29</sup>

The initial reference to Sean Bell's legacy of justice is thus reinforced by references of Sean as a 'good kid'. This image of a 'good kid' has different components. First, the 'good kid' image is linked

to values and themes such as sacrifice ('he gave up baseball'), sustained devotion, marriage and fatherhood ('he was going to marry the mother of his children'), responsibility ('he was doing the right thing'), a true American sports figure ('he was a great baseball player') and innocence/ puppy love ('high school sweetheart'). All of these values and themes are part of a broader set of American values and body of thought. Conversely, the image of Sean Bell is set against negative themes such as violence ('New York is violent'), further marking the divide between good and bad. These positive and negative values and themes are further reinforced by words expressing 'goodness' and 'innocence' ('sweetheart', 'kid') and by dogmatic assertions ('He *was* doing the *right thing*', 'New York *is* violent'). The icon 'Sean Bell' thus becomes an emotionally charged symbol: It is linked to negative emotions such as grief and victimization, but also to themes linked to positive emotions, such as fatherhood, marriage, the love for a child (also experienced by Sean Bell's parents). In addition, Sean Bell becomes a symbol everyone can relate to. He is not only likeable; he represents values that most people share.

As a final point, the perception of Sean Bell being a good kid creates and underlines an image of an underdog victim. Mr. Sharpton's speech, in particular his reference to 'that little boy', illustrates this notion. With his emotionally charged passionate oratory, Mr. Sharpton focuses on childhood innocence and youth dreams, again an illustration of the emotionality with which the label 'Sean Bell' is charged.

The emotionally charged Sean Bell label reappears numerous times throughout the aftermath of the shooting. The label is not only used by family members, but can also be found in the rhetoric and vocabulary used by other stakeholders, including the broader group of community members in support of Sean Bell. More specifically, the label 'Sean Bell' is used in two different ways by stakeholders, and can be roughly divided into two 'sub' labels: 'I am Sean Bell' and 'We love Sean Bell'. These sub-labels provide insight into the self-image held by police critics, as discussed in the following subsections. As a final note, it is important to observe that the press also had a profound role in perpetuating the emotionally charged values described above, which not only becomes apparent in the selection of quotes, but also in the way these quotes are embedded in an emotionally charged storyline (for example: 'Then, with tears streaming down his face').

### **I am Sean Bell: A self-label for identification, victimization and injustice**

Perhaps the most prominent label that emerges in the aftermath of the shooting is the slogan 'I am Sean Bell', as it frequently reoccurred in many protests and on merchandising and other material manifestations. The deeper meaning of this slogan can be best grasped by looking at the rhetoric used by stakeholders to address the Sean Bell shooting, in which the 'I am Sean Bell' label is referred to either by direct or indirect cues. The following quotes and excerpts contain such cues:

*Just after the shooting (November 2006)*

The Rev. Jesse Jackson:

**“This is a symbol, not an aberration. Our criminal justice system has broken down for black Americans and the young black males.”**<sup>30</sup>

*Just after the indictments (March 2007)*

A *New York Times* excerpt on a celebratory gathering held at Baisley Park:

Darren Goodman stood near the tribute wall, thinking about how Mr. Bell died.  
“This could have happened to **anyone** here,” he said. “It could have happened to **me**.”<sup>31</sup>

*At the beginning of the trial (February 2008)*

A *New York Times* excerpt on the events taking place in front of the court:

Monty Street was not a friend or relative of Sean Bell. He **never even met Mr. Bell**. But at 7:30 Monday morning, Mr. Street and his fiancée woke up, hopped on the F train and went to the Queens Criminal Court building, where they spent several hours outside in the cold in Mr. Bell’s name. Mr. Street, 50, said he was there as a “concerned citizen.”

“I’m interested in the justice that needs to be done,” he said. “I needed to be here.

[...] **“This is a common matter,” he said. “It could’ve happened to anyone. The support needs to be here.”**<sup>32</sup>

*Just after the acquittals (April 2008)*

At a workshop for young people on how to behave when stopped by the police, organized by the black police fraternity ‘100 people in law enforcement who care’, Keith Sainten, one of the law enforcement officers who gave the training, said:

“The way we look at it, **anyone here can be the next Sean Bell** when we leave here tonight, or next week.”<sup>33</sup>

A salient characteristic of the communication above is that speakers either forge a self-imposed relationship with Sean Bell and/or with the incident, or, more broadly, see the shooting as a symbol for the (injustice done to) the whole black community (‘Our criminal justice system has broken down for black Americans and the young black males’). The label ‘I am Sean Bell’ thus fosters broad community identifications.

The self-imposed relationship uttered by the speakers above is mostly based on the assumption that they themselves could be the next ‘Sean Bell’. It could have happened to ‘anyone’, also to them. ‘Anyone’ in this matter specifically refers to the black community.

The self-imposed relationship between the community and the victim works as a communication device to highlight the magnitude of the case: The shooting affects everyone in the black community. The reference also gives insight into how the black community sees itself: a victim



of police violence. This victimization is intensified by the emotionally charged core label ‘Sean Bell’ which stands for justice and innocence.

In addition, the self-imposed relationship between the community and the victim results in communal bonding and concern (‘this is a common matter’, ‘the support needs to be here’), and is hence closely related to the label ‘We love Sean Bell’, as will be discussed below. The word choice used to make these statements comprises dramatic elements (‘everyone’, ‘anyone’) that emphasize magnitude. Again, the emotionally charged core label ‘Sean Bell’ stands at the base for this dramatized rhetoric.

As a final point, the identification with the victim, captured in the label ‘I am Sean Bell’, already gives some insight into how police critics frame the incident within a history of a racially delimited ‘us’ group victimized by a ‘them’ group.

### **‘We love Sean Bell’: A self-label for communal bonding, emotion and grief**

The communal bonding inherent in the ‘I am Sean Bell’ label is further intensified by the display of love and affection for the victim, not only by family members, but also by community members in general. This pattern can best be captured in the slogan ‘We love Sean Bell’. This slogan is less distinctly visible than the ‘I am Sean Bell’ label, yet is still a reoccurring element in the rhetoric displayed by police critics in the aftermath of the shooting.

The love for Sean Bell, naturally, is most prominent with family members (supported by Mr. Sharpton) and relatives. Family members frequently express their love and bonding towards Sean Bell in public:

#### ***Just after the shooting (November 2006)***

Mr. Bell speaking after a special meeting convened by Mayor Bloomberg:

“**He’s gone,**” he said of his son. Then, patting over his chest, he added, “Not here in my **heart** he’s not **gone**, but he’s **gone**.”<sup>34</sup>

#### ***During the grand jury process (March 2007)***

A *New York Times* excerpt on grand jury testimony:

The testimony by the two men, Trent Benefield and Joseph Guzman, signified a zenith in the grand jury process. Their appearances had been telegraphed for weeks by lawyers in the case, but a twist came when Mr. Bell’s fiancée, Nicole Paultre Bell, also arrived to testify.

[...] “**Everything** I do, **every** day I walk, now that’s for him,” Ms. Paultre Bell said.

“I lost somebody dear to me that night,” Mr. Guzman said. “**It hurts**.”<sup>35</sup>

#### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on events at the courtroom:

Outside [at the courtroom], the weather had turned colder, and Mrs. Bell held her handbag tightly. She read to reporters from a piece of notebook paper covered with handwriting. “**I miss him desperately**,” she said of her son. “Countless times I tried to bring forth my own understanding only to be humbled by the weight of my own thoughts.”

She added, “This is **truly** one of the most **devastating** and **challenging** times of our lives.”<sup>36</sup>

### *In between the indictments and the trial*

Mr. Bell speaking in front of the courthouse at one of the hearings:

“**I love my son. I’ll be here, rain or shine.**”<sup>37</sup>

### *During the trial (Spring 2008)*

A *New York Times* excerpt on testimony from Mr. Bell:

Mr. Bell said he still thought about his son every day. During his testimony, he hinted at his continued attachment: When an assistant district attorney, Charles A. Testagrossa, asked Mr. Bell if he had children, he said yes, and went on to give their names and ages. He said William Jr. was **29, Dolores was 15 and Sean was 24.**

Sean Bell died at 23.

As he left the Queens Criminal Court building Tuesday afternoon, Mr. Bell described his testimony as “tiresome.”

At one point in the afternoon, Mrs. Bell broke down and had to step out of the courtroom during a dancer’s vivid testimony about the shooting.

“I’ve been thinking about my son — good things,” Mr. Bell said outside the courthouse. “That’s what’s been helping me get along.”<sup>38</sup>

A *New York Times* excerpt on testimony from Mr. Guzman:

You know, naturally, I thought we was — I thought it was over,” Mr. Guzman said. “So I’m telling him, ‘**S., I love you son.**’ And he said, ‘I love’ — he whispered back, ‘**I love you, too.**’ But then he stopped moving, he stopped talking.”

[...] Late in the day, a lawyer for one of the police officers, Paul P. Martin, asked Mr. Guzman about those final words.

“You heard him actually say the words, ‘I love you, too?’” Mr. Martin asked.

“Listen,” Mr. Guzman replied. “Nobody asked for this, man.”<sup>39</sup>

### *Just after the acquittals (April 2008)*

Valery Bell speaking at a meeting held at the National Action Network’s headquarters in Harlem:

“On May 18, 1983, I didn’t go through **labor pains** with my son because he was born **C-section**,” she said. “**But on Nov. 25, 2006, that’s when my labor pains started.**” That was the day Mr. Bell was killed.<sup>40</sup>

In these selected statements, a few elements draw attention. First of all, the conveyed messages all contain elements of love and affection. These feelings of love towards Sean Bell do not stand on their

own but are combined with feelings of hurt. The relatives and victims do this by conveying emotional/dramatic rhetoric such as the repetition of ‘everyone’ and ‘every’ and the threefold repetition of ‘gone’. The feelings of love are also conveyed by dramatic words, expressions, and comparisons that express hardship, such as the words ‘devastating’ and ‘challenging’. Other expressions amplify the feelings of love and devotion, such as Mr. Bell’s reference to ‘rain or shine’, and the comparison to Ms. Bell’s ‘labor pains’. The family members and victims also use adverbs that emphasize the extremity of a situation (‘truly’, ‘desperately’). Apart from word choice, the rhetoric itself has dramatic/emotional components. Take for example Mr. Bell’s subtle rhetoric focus on ‘what could have been’ (‘Sean was 24’), which creates a dramatic and emotional effect.

The dramatic rhetoric is perhaps most pronounced in Guzman’s depiction of the shooting. This portrayal, which experts said was impossible because at that stage Sean Bell was not able to speak anymore due to a bullet that had destroyed his larynx, has a dramatic storytelling component, in which Guzman does not focus on dry facts, but in which he creates an impressionistic picture of what happened during the shooting. Mr. Martin later compared Guzman’s depiction as being part of a “movie script”.<sup>41</sup> The display of love itself is not surprising, but does indicate that the family communicates about the shooting and subsequent trial by exercising emotional rhetoric, in contrast to the rhetoric used by the police, as will be discussed in the next chapter. What is more striking is the heavy emphasis on drama, as expressed by Guzman. The love for Sean Bell does not stand on its own in this matter, as the weight of the drama makes the references to love ‘symbolic’.

Similarly striking is the fact that these feelings of love, bonding and hurt are widely shared by community members, most of whom had not even met Sean Bell. In expressing their love, these community members make similar statements and use similar rhetoric and choice of words to those expressed by family members and close relatives. Take for example these statements:

#### *At the funeral (December 2006)*

Nicholas Heyward, whose 13-year-old son was killed in 1994 by a housing officer in Brooklyn when playing with a toy gun:

“I know what the families are going through right now. [...] It’s **really, really tough** right now. Right now they are **completely lost**. Sometimes you may think they are all right, but they are **completely lost**.”<sup>42</sup>

#### *At one of the protest marches (December 2006)*

A *New York Times* excerpt on one of the protest marches held before Christmas:

“**It’s got to stop, got to stop**,” said Karen Connors, a Jamaica resident who walked with her 9-year-old son. “All police officers aren’t bad, I understand that. But that was **really, really** wrong, what happened to him. It was a slaughter, as far as I’m concerned.” And then she began to **cry**.<sup>43</sup>

### *At the beginning of the trial (February 2008)*

A *New York Times* excerpt on Kadiatou Diallo (the mother of Amadou Diallo) and her perception of the trial:

“I don’t want to overshadow the family during the trial,” Mrs. Diallo said by phone from her home in Gaithersburg, Md. “But I want to support them as much as I can.”

[...] “We have **something in common**: the **grieving for the loss of children**,” she said. “There is no advice I can think of giving, because it is hard. Nobody is prepared for such a **loss**.” Still, with the trial under way, she felt a need to reach out to Mrs. Bell, as she did after Sean Bell was killed in November 2006.<sup>44</sup>

A *New York Times* excerpt on the events taking place in front of the court:

While many who visited the courthouse on Monday had planned to attend the trial, several people simply stumbled upon it. They were awaiting court appearances for charges involving drugs, assault or robbery. Anthony Johnson, who was at the courthouse for an appearance on a drug charge, said he became more focused on the trial in the Bell case than on his own business.

“**I’m thinking about his parents, the sympathy for his family**,” said Mr. Johnson, 38, a taxi driver from South Jamaica, Queens, as he stood in the building’s main hallway waiting for his case to be called.<sup>45</sup>

### *After the acquittals (May 2008)*

A *New York Times* excerpt:

From the station [The JFK Air Train Terminal, which was hit by a stray bullet during the Sean Bell shooting] the murmured tributes at Mr. Bell’s sidewalk shrine were unheard, as were the words of the young man who drove by, leaned out his car window and shouted, “**Sean Bell, we love you, baby!**”<sup>46</sup>

Just like Bell’s family and friends, relative strangers display signs of pain and deep affection towards Sean Bell and his family. One of the reasons for doing this is because they ‘have something in common’ (which relates to the notion ‘I am Sean Bell’). Again, the love for Sean Bell and for his family, as well as the hurt that is felt, are communicated in a dramatic/emotional way. Rhetorical strategies include emphasis by repetition: got to stop (twice), really (twice), completely lost (twice), the use of adverbs that emphasize the extremity of a situation (completely, really), and words that express hardship, such as ‘tough’ and ‘lost’. The word baby — officially defined as a form of address to a person with whom one is having a (romantic) relationship — in this case emphasizes the intimacy and connectedness felt by a stranger to Sean Bell.<sup>47</sup> This intimacy is also felt by Karen, who starts to cry for Sean Bell, thus showing emotional connectedness with the victim in a non-verbal manner. Sean Bell thus not only becomes a symbol to the black community, he becomes a beloved symbol; a person everyone knows and cares for. In addition, ‘We love Sean Bell’ is a sub-label that shows the high level of emotions held and expressed by community members, and also serves as glue that binds the community. Within the sub-label, the emotionally charged core component ‘Sean Bell’ is central

to this emotional intimacy, grief, and display of love, as it has connotations of a likeable person who stands for injustice and innocence.

### Summary

In short, both the police critics' perception of the Sean Bell shooting and their self-image is condensed, magnified, and reiterated through the label 'Sean Bell' and its usage in the sub-labels 'I am Sean Bell' and 'We love Sean Bell'. More specifically, these labels — aimed at conveying police critics' anger about the Sean Bell shooting — condense, magnify and reiterate broader sentiments of victimization, a strong 'us' feeling combined with the necessity of unconditional bonding and participation, and the perception that police misconduct is widespread in black communities. These labels can be seen as both spontaneous discourse and strategic PR discourse.

The sub-labels and the core 'Sean Bell' label have an interesting interaction, resulting in a complex rhetorical fabric. The prominent manifestation of the label 'Sean Bell' in these sub-labels reinforces the emotional characteristics, and the values 'sacrifice', 'sustained devotion, marriage and fatherhood', 'responsibility', 'a sports figure' and 'innocence' which are part of the core label. This has several consequences. First, because Sean Bell's image is that of a pure, honest and innocent person (core label), the perception of his victimization by an impersonal 'they' is reinforced. As Sean Bell is used as a symbol to represent justice for the black community ('I am Sean Bell'), the black community's perception of victimization by an impersonal 'they' is consequently also reinforced. Second, as the 'Sean Bell' label stands for someone who everyone in the community knows and loves (core label), the community feelings of bonding and togetherness are further underlined in the sub-label 'We love Sean Bell'. Third, by using the emotionally charged label 'Sean Bell' as a symbol that represents the entire community ('I am Sean Bell'), the emotional and human 'flesh and blood' side of the community is emphasized.

Again, time and location are factors of lesser importance in this discussion. The label 'Sean Bell' emerges rapidly after the shooting, and can be found in all venues in which the debate takes place. The vocabulary and rhetoric used do slightly differ between venues, since semi-private meetings lend themselves better for passionate oratory, as displayed by Mr. Sharpton at the funeral. However, the emotional components of the rhetoric again penetrate to every venue, also to law courts.

### 1.1.3 Conclusion

A poem by artists from Urban Word NYC, a teenage poetry group:

**Mourning** for those who never reached their **wedding morning**  
Ding-dong, **church bells to sirens**.<sup>48</sup>

In the preceding discussion, the different labels ('50 shots', 'We love/I am Sean Bell') have been discussed separately, yet in fact they occur simultaneously throughout the fabric of communication.

The poem above shows how images of goodness and love ('wedding', 'church bells') merge with grief and violence ('mourning', 'sirens'), hence mixing the discussed labels in cultural discourse.

Differently put, the discussed labels interact with each other to a great extent, resulting in a powerful, new, cohesive and exacerbated image. This image, consisting of two opposites, can best be described as 'us-versus-them', in which the 'us' side is portrayed in a highly emotional way, and the 'them' side in an impersonal and unemotional way. This enhanced contrast between a personalized 'us' and a distant 'them' not only intensifies 'us-versus-them' feelings, it also boosts the emotional rhetoric used and the feelings of victimization.

Together, the combined images reflect the overall perception held by police critics on the incident: While the incident itself is associated with magnitude and injustice and the police with guilt and lawlessness, Sean Bell is seen as a symbolic victim for the pain and victimization felt in the community.

This section also discussed the development of labels. Due to the fine line between rhetorical and communication strategies, it is impossible to determine exactly the nascence and development of such labels. However, it can be concluded that the powerful rhetoric exercised by community leaders like Mr. Sharpton fanned existing perceptions. The powerful images occurred straight after the shooting and consistently reoccurred throughout the aftermath in the fabric of communication.

## 1.2 Framings

This section examines how police critics frame the shooting and its aftermath, that is, which interpretation they give to what happened on the night of the shooting and the processes that took place after that.

There is a slight overlap between the labels used to perpetuate and condense perceptions and the framings by which events are interpreted, as the ‘meaning’ of the labels is shaped by these framings. In this sense framings can be seen as a deeper layer of interpretation and perception.

### 1.2.1 Framing the shooting: Police misconduct and racial injustice

How do the police critics interpret the shooting? The analysis of the label ‘50 shots’ already gave some clues to the answer to this question. In Subsection 1.1.1 it is argued that the label does not just stand for the excessive quantity of shots fired, but also relates to a broader pattern of excessiveness. References to such a pattern are made frequently in the quotes printed in the *New York Times*, not just in relation to the number ‘50’ or to the amount of shots fired, and provide insight into the framing of the shooting. Take for example the following excerpts and statements:

#### *Just after the shooting (November 2006)*

Mr. Sharpton:

“**It’ll be the first major case of its kind of the 21st century in New York** [...] People are very **energized** about it. I think the city should be working to suspend those cops and show they’re seriously going after some justice **here**.”<sup>49</sup>

Amnesty International USA called the shooting:

“**Part of a pattern** of questionable police tactics and abuse.”<sup>50</sup>

#### *At the funeral (December 2006)*

A *New York Times* excerpt on Rose Dorismond, whose 26-year-old son was killed by the police in 2000:

At Sean Bell’s wake yesterday, in a crowded church in Jamaica, Queens, Mrs. Dorismond was weeping in the second row of pews, only a few feet from the open coffin, when Amadou Diallo’s mother, Kadiatou, arrived. Mrs. Dorismond rushed to her friend, the two hugged for several minutes, and Mrs. Dorismond shouted: “**Again? Again? Again?**”<sup>51</sup>

#### *Just after the funeral (December 2006)*

A *New York Times* excerpt on the then just-released rap song about the Sean Bell shooting by New York rapper Papoose:

Over some familiar strings, a voice said, “**RIP to Sean Bell**,” the black man who was killed by the police in Queens early Saturday morning. “RIP to Kathryn Johnston,” he continued, naming the 88-year-old woman who was killed by the police in Atlanta last week. “**RIP to**

**Amadou Diallo**,” he said naming the African immigrant who was shot by the police in the Bronx in 1999. “**The list goes on. A change gon’ come.**”<sup>52</sup>

#### *In between the indictments and the court case*

A *New York Times* excerpt on the letter sent in May 2007 by Mr. Hardy requesting a federal investigation of the New York Police Department:

The lawyer, Michael A. Hardy, said in a letter Monday to Michael J. Garcia, the United States attorney in Manhattan, that the Police Department had a **history of using excessive force in minority communities**.

The recent shootings and the history of fatal shootings, Mr. Hardy wrote, “certainly suggest that the NYPD is engaged in a pattern and practice of **continuous and systemic violations** that have, at minimum, a disparate impact in black and Hispanic communities.”

[...] “While all agree that the job of New York City police officer is a dangerous and difficult one, and most people have the highest regard for members of the department,” the letter said, “something is **terribly wrong** within the department which is having a **fatal and disproportionate impact within the New York City communities of color.**”<sup>53</sup>

#### *At the beginning of the trial (February 2008)*

A *New York Times* excerpt on the events taking place in front of the court:

Frank Murphy, a paralegal who works for the Legal Action Center, which offers pro bono assistance to some individuals, said his mind drifted as he went about his business on Monday.

“I have thought about the trial several times, because it does my heart heavy,” he said. “I think it’ll be a **landmark** case.”<sup>54</sup>

In each of the statements above, police critics make a cognitive link between the Sean Bell shooting and other (high-profile) police shootings, or in a more general sense police misconduct. Some of these references are indirect, such as ‘It’ll be the first major case of its kind of the 21st century in New York’ and ‘it’ll be a landmark case’. While these quotes focus on the magnitude of the Sean Bell shooting and the ensuing trial, they also suggest that the shooting and its aftermath fit within a broader pattern of shootings.

The case that police critics most frequently refer to when speaking of Sean Bell is the shooting of Amadou Diallo, an unarmed African immigrant, who died in a barrage of 41 police bullets in 1999. Hence, the Sean Bell shooting does not stand on its own, but according to critics is part of a continuous pattern of ‘questionable police tactics and abuse’ and of ‘continuous and systemic violations’, which has both an organic dimension (the shooting is part of multiple problems within the department), and a historical dimension (incidents have occurred frequently in the past).

The rhetorical strategies used to convey the repetitive pattern of police misconduct are typical in two ways. First, the pattern of misconduct is often described in an emphatic way (‘terribly’) or in an emotional way, such as Mrs. Dorismond’s cry at the funeral. Second, in their rhetorical strategy, the police critics focus again on the magnitude of different aspects. Whereas the magnitude described



in Subsection 1.1.1 was in relation to the amount of shots fired in the Sean Bell shooting, in the statements above the magnitude has a different meaning. Not only do the police critics describe the historical pattern of police violence as one of magnitude ('again, again, again'), they also characterize the problem within the New York Police Department as one of magnitude ('there is something terribly wrong within the department'). Moreover, within the broader pattern of misconduct, the Sean Bell shooting in itself has magnitude too. Both Mr. Sharpton and Mr. Frank Murphy speak of a 'landmark case'. In other words, they emphasize the vertical dimension of the problem (the pervasive historical pattern of police violence), the horizontal, organic dimension of the problem (within the department) and the current central point of the problem (the shooting).

In some instances, this focus on magnitude can be seen as strategic PR discourse. Mr. Sharpton and other critics refer to a historical pattern to deliberately embroider the magnitude of the case. Exemplifying in this matter is Sharpton's statement, in which he forges a rhetorical connection between magnitude, energy, and justice, implying that because it is such a big case, people have (and should have) the energy to fight for the justice that should take place. In other words, at a preliminary stage in the aftermath of the shooting, Sharpton is not only already predicting the magnitude of the case, he also uses the magnitude as a way to energize people to act.

The broader pattern of excessiveness is only a segment of the framing through which police critics construct their interpretation of the shooting. Yet to be discussed is the racial 'lens' through which the police critics see this excessiveness. As Mr. Hardy pointed out in the letter discussed above, it is the excessiveness that is having 'a fatal and disproportionate impact within the New York City communities of color' which he is worried about.

The 'I am Sean Bell' label already gave some insight into this racial interpretation of the shooting. First, the label comprises the perception that everyone within the black community can be a 'Sean Bell', i.e. a victim of police violence. Furthermore, it comprises the perception that the Sean Bell shooting is a case that everyone within the community should support and relate to. It also stands for 'us-versus-them' feelings, in which racial lines demarcate 'us' from 'them'.

The racial interpretation of the Sean Bell shooting is pervasive in many ways, as the following quotes and *New York Times* excerpts demonstrate:

***At the funeral (December 2006)***

An excerpt from Mr. Sharpton's speech:

"We don't hate **cops**. We don't hate **race**. We hate **wrong**."<sup>55</sup>

***At the 'shopping for justice' protest march (December 2006)***

Harry Belafonte, who marched along, said:

“It is indeed a sad statement that we have to, **after 300 years**, still be gathering to query, **look for and demand justice**,” Belafonte said. “**Racism is the root of most of the evils that ruin this country.**”<sup>56</sup>

*In the period after the funeral (December 2006)*

Jonathan Abady, who represented victims of other police shootings, commenting on the Sean Bell shooting:

“This case and the shooting of Sean Bell are examples of a very **ignominious history** of the police taking certain liberties, essentially in **communities of color**. It’s hard to believe that they would have fired 50 shots into a vehicle **on Park Avenue and 57th Street in Manhattan.**”<sup>57</sup>

A *New York Times* excerpt on a news conference outside City Hall that was called to announce a protest march for Sean Bell:

The Rev. Calvin O. Butts III, one of New York’s most prominent and moderate black clerics, demanded yesterday that the city rein in rogue members of the Police Department whom he described as “**ignorant savages** who continue to **prey upon our people** as if we have no **respect by virtue of our humanity or our citizenship.**”

“There are police officers that must be dealt with,” Mr. Butts said. “They are **culturally ignorant and racially insensitive.**”<sup>58</sup>

*At a private city council meeting (24 January 2007)*

City Councilman David Yassky:

“Too many African-American New Yorkers **feel** that they are at risk or that their family members are at risk of mistreatment, **whether it be to be stopped without reason or to be victimized by excessive force.**”<sup>59</sup>

*After the indictments (March 2007)*

A *New York Times* analysis:

But the stop-and-frisk numbers contribute to the perception in many predominantly **black neighborhoods that residents are being unfairly singled out.**

[...] Such concerns have persisted in some quarters even though three of the five officers involved in Mr. Bell’s shooting, and two of the three indicted for it, were black.<sup>60</sup>

*In the period after the acquittals (May 2008)*

Mr. Hardy, the lawyer for Mr. Benefield, Mr. Guzman and Ms. Paultre Bell, commenting on the character of the shooting:

“[...] The incident in **Bell, in my view, was more a product of a lack of concern for their environment than it was on how they fired their weapons.**”<sup>61</sup>

All the statements above have a racial component, although some more obviously than others. To start with the excerpt from Mr. Sharpton’s powerful funeral speech, his words might at first glance seem to place the shooting in a non-racial framing. A closer examination reveals the opposite. ‘We don’t hate

race' is an awkward remark, as race in itself can't be hated, only different races or perhaps the distinction between the races. By saying 'We don't hate race' the speaker sees police violence through a racial lens while the listener is inadvertently drawn to the racial aspects of police violence. The only statement that Sharpton actually makes is that the debate on the Sean Bell shooting is in fact racial. The repetition of 'we' again demonstrates 'us-versus-them' thinking, which also has a racial connotation, and more specifically: a racial demarcation.

What does this racial framing of the shooting entail? The *New York Times* analysis succinctly shows that people in black neighborhoods feel singled out by the police. The stop-and-frisk numbers contribute to this perception. This analysis is supported by Mr. Abady's and Mr. Yassky's observations. Consequently, the Sean Bell shooting is seen in a racial context, while in fact two of the three indicted officers are black.

This racial dimension is historically deep, as the remarks by Mr. Abady and Mr. Belafonte demonstrate. While Mr. Abady just focuses on police misconduct against minorities, Mr. Belafonte sees the shooting and the injustice done as part of racial inequalities that have existed in the United States since the inception of slavery roughly 300 years ago. Yet the historical racial dimension has two components. The first component is the broader pattern of violation of African-American rights, not only referring to police misconduct, but also to an overall pattern of abuse. The second component (of which the label 'I am Sean Bell' is a product) is the civil rights fight against this abuse, as will be further discussed in the next subsection.

The racial framing also has an organic dimension. While Mr. Hardy is saying that police officers show a lack of respect for their environment (i.e. the black community), Mr. Butts argues that there are rogue police officers in the department who are culturally ignorant 'savages' who are 'preying' on the black community. Again, both police critics highlight the magnitude of the historical and organic dimensions in their rhetorical strategy by using harsh vocabulary.

There is a fine line between these broader racial framings and communication with a second agenda, as will be considered in Subsection 1.2.3.

## **Conclusion**

In sum, police critics interpret the shooting within a broader historical and organic framing of continuous and pervasive police misconduct, unfair policies and procedures, abuse of power and racial injustice in the broadest sense of the word. Police problems range from excessive use of force to racial profiling and general treatment of community members. Police critics construct this framing by linking the shooting to a pattern of other high-profile shootings, such as that of Amadou Diallo, while emphasizing the historical and organic dimension of the problem as well as its current central point.

### 1.2.2 Framing the aftermath of the shooting: The civil rights movement against systematic judicial and political failures

Not only is the shooting itself embedded in a broader framing, but also the processes that take place after the shooting. First of all, the role of police critics is linked to the civil rights movement. Take for example the initial indictments in March 2007, when Mr. Sharpton characterized the trial as a civil rights victory, referring to the trial date as “Super Monday in the civil rights movement around this country.”<sup>62</sup> Similarly, on July 8, 2008, when Sharpton refused a deal for his charges in the Sean Bell protest, his lawyer said: “In the movement, getting arrested was a badge of honor. [...] In the ’50s and ’60s, if you didn’t get arrested, you were suspect.”<sup>63</sup> Once again there is a fine line between spontaneous discourse and PR discourse. Mr. Sharpton’s words serve as a communication catalyst, drawing both emphasis to the magnitude of the case and the movement it is part of, while motivating people to participate in the quest for justice. Another profound reference to the civil rights movement is the comparison made by Mr. Sharpton at the funeral between Sean Bell’s legacy and that of Rosa Parks, who was arrested for refusing to give up her seat to a white man exactly 51 years ago in Montgomery, Alabama: “She had faced down injustice and made history. [...] Now it was Mr. Bell’s turn.” And later on: “They took his life, but they cannot take his legacy.”<sup>64</sup> Another reference to Rosa Parks was made by Sean Bell’s father a day after the verdict during a meeting at the Harlem headquarters of the National Action Network, asking the audience “Is this 1955 Alabama?”<sup>65</sup>

While the fight for justice for Sean Bell is seen as part of the broader civil rights movement, the judicial process is embedded within a framing of systematic judicial and political failures. Take for example the following excerpts:

#### *In the period after the funeral (December 2006)*

The Rev. Calvin O. Butts III speaking at a news conference outside City Hall that was called to announce a protest march for Sean Bell:

**“For too long we have tried to make changes, only to be disrespected.”**<sup>66</sup>

#### *Just after the acquittals (April 2008)*

Mr. Hardy:

**“We got the door slammed in our faces is how a lot of people feel [...] It tells you that *no matter what, because of who you are and the community you come from, you will get nothing.*”**<sup>67</sup>

A *New York Times* excerpt on one of the protest marches:

Calvin B. Hunt Jr., who listened to the news conference and joined the protest that followed, marching down Malcolm X Boulevard and blocking the intersection at 125<sup>th</sup> Street [...] spoke longingly of prominent black activists in the 1960s and 1970s, among them **Malcolm X, Angela Davis and Huey Newton**. “After the Amadou Diallo verdict, we marched till we had

corns on our feet, and **nothing changed**,” he said. “In this verdict, there was no justice. So why should there be peace?”<sup>68</sup>

The quotes above not only give insight into the framing of the role of the police critics, but also into how the processes after the shooting are embedded within a framing of systematic judicial and political failures. Mr. Hunt’s remark is a good example of how the process of fighting for justice is linked to the broader civil rights movement, while the judicial and political processes are linked to inadequacy, failure, and impasse. Mr. Hardy and Mr. Butts add a racial layer to this framing of failure and feelings of victimization. While Mr. Butts, for example, links ‘we’ to ‘disrespected,’ indirectly arguing that the judicial and political system and those operating them are disrespectful of the wishes of the community, Mr. Hardy is much more direct: ‘No matter what, because of whom you are and the community you come from, you will get nothing’. His fatalistic stance, which can also be found in the other statements, can be seen both as spontaneous discourse and as a strategy to delimit and enforce the desired outcome by appealing to emotions (emotional blackmail) and by the use of emphatic expressions/exaggeration.

Part of this distrust towards the judicial and political structures is that police critics feel that officials are working hand in glove against the interests of the community. For example, police critics refer many times to the intimate relationship between police and district attorney, saying that the prosecutor can never be truly independent. As Neville O. Mitchell, a lawyer for the Bell family, pointed out:

***Just after the shooting (December 2006)***

Mr. Mitchell:

“We just believe that a prosecutor who marches in lock step with the New York Police Department is not capable of stepping away from this investigation and doing it appropriately.”<sup>69</sup>

The relationship between the police and prosecutors is hence perceived as too close and tangled. This notion fits within the overall conception that the judicial system is not working properly to serve justice in the way police critics have defined it: Police officers criminally charged for alleged police violence are usually found innocent by a jury or judge. Yet the distrust towards judicial and political structures is much more endemic than just the relationship between police and prosecutor. The following excerpt of the interview held with Mr. Barron demonstrates this, as it summarizes the profound historical and organic dimensions of both the framing of the shooting and the processes that take place afterwards:

***Personal interview held with Charles Barron (October 2009)***

Mr. Barron:

“The Sean Bell and Amadou Diallo shootings are the worst cases of police total disregard for black life and the history of this nation by a police department. It is systemic, it is pervasive, it is racist in nature. There is no greater gross miscarriage of justice than in the Amadou Diallo and the Sean Bell case. In the history, in the annals of the police–community relations, the number of shots fired, the unnecessary excessive use of deadly force, the cooperation of the District Attorney’s office, the cooperation of the judicial system, the cooperation of the police commissioner, the cooperation of the mayor even, with his little ‘it may have been excessive’, the cooperation of the unions, the detective unions, all of those united is **the most pathetic gross miscarriage of justice [which is] totally systemic and racist in nature**, because they do it in every case.”<sup>70</sup>

While this interpretation is expressed by Mr. Barron, whose views do not represent those of the more mainstream police critics, his statement does highlight all of the discussed elements of the interpretative framings held by police critics. More specifically, this quote shows that the interaction of different interpretative framings in regard to the shooting itself and the aftermath of the shooting are together interpreted as ‘the most pathetic gross miscarriage of justice, which is totally systemic and racist’ in nature. As a part of this, Mr. Barron interprets the cooperation between the police, the justice system and political power as part of a historical and organic pattern of failure.

## **Conclusion**

In sum, police critics interpret the aftermath of the shooting within a historical and organic framing of the protracted civil rights fight instigated by African Americans and their community leaders against police misconduct and racial injustice, which has been continuously thwarted by systematic judicial and political inadequacy, incapacity, failure, impasse and unwillingness, partly caused by political ties and cooperation, in turn resulting in further victimization and fatalistic sentiments.

### **1.2.3 A second agenda versus broader framing**

Part I of this study described how different groups in society use the police as a device to communicate issues for which the police do not bear chief responsibility. In the late nineteenth century Republicans tried to damage Tammany Hall by targeting the police, while in the twentieth century communists and also minorities targeted the police by means of riots and verbal criticism for acts the government was chiefly responsible for. In Part I of this research, only the general dynamic/historical patterns of this broader function of the police as a political tool were examined. Within the Sean Bell case it is hence interesting to see if any action or dialogue initiated and communicated by those who criticize the police can reveal that the police function as a political tool for communication. In addition, it gives an opportunity to see — if in place — how the mechanism works on a more detailed scale.

The concept of framing is important in this analysis, as framings share a common denominator with the use of the police as a vehicle for political communication. When past critics used the police as a tool, the broader framing (such as political corruption or capitalism) was much

more important to them than the actual issue they were fighting. In fact, they only used the issue to hurt the corrupt Tammany Hall or the capitalist government. In a broader sense it can be argued that when a framing itself is the actual issue at stake to critics it can indicate a second agenda.

In the Sean Bell case it is much harder to determine whether critics are applying second-agenda criticism than in the mentioned examples. The ‘hidden agenda’ was in fact much more blatant at that time, and moreover, the link between the government and the police was more pronounced. In the Sean Bell shooting it is much harder to distinguish framings from second-agenda criticism. To find indications of second-agenda criticism in communication uttered by different groups who criticize the police in the Sean Bell shooting, this subsection will examine:

- Communication that shows an indication of criticism of different issues than the Sean Bell shooting, but in which the police appear as the main target and the Sean Bell shooting the main point of attack (in other words: The framing is prevalent over the issue).
- Communication that shows an indication to purposely harm/offend a larger/different group than the New York Police, but in which the police appears as the main target.

### **New Black Panther protests**

The clearest indications of second-agenda criticism and the function of the police as a political tool can be found in the communication/utterances of more radical NYPD critics such as the New Black Panthers. The following excerpts provide further insight into this:

#### ***After the funeral (December 2006)***

New Black Panther leader Malik Zulu Shabazz explaining the purpose of one of their numerous protests held after the shooting of Sean Bell:

“Today we begin a **boycott** of non-black businesses, or rather **white businesses**, that support a **white power structure**, that supports the **police that is killing us**.”

“We are going to take the streets, take blacks out of these stores and prevent them from **buying their own destruction**.”<sup>71</sup>

A *New York Times* excerpt on the protest march:

Party members, many dressed **in black military fatigues**, passed out fliers and promised a citywide boycott lasting 50 days, one day for every bullet fired at Mr. Bell and two friends who were in his car and were injured. They spoke of **revolution** and **black nationalism**.

[...] They stopped before large chain stores like Gap and Conway, and mused over whether they should **forcibly pull shoppers out**.<sup>72</sup>

#### ***Specific slogans and utterances, used at the protest above, as well as during other New Black Panther protests***

“**Off the pigs!**” [at the officers who escorted the protesters]<sup>73</sup>

“Back up, Hitler, this is not the NAACP”[at a police officer]<sup>74</sup>

“Off the pigs who kill our kids”<sup>75</sup>

“50 shots for 50 cops”<sup>76</sup>

“**Leave those burgers alone**” [at people in the McDonalds branch on Jamaica Avenue, Queens]<sup>77</sup>

This overview of New Black Panther rhetoric and actions in the aftermath of the shooting, demonstrates the existence of second-agenda criticism in different ways. While the New Black Panthers use the shooting of Sean Bell and its aftermath as an immediate cause of provocation, it is the broader issue of a ‘white power structure’ they want to bring to the attention of a larger (black) public, while mobilizing them to start ‘a revolution’. In this sense, the framings ‘white power structure’ and ‘black nationalism’ are more important to the Panthers than the issue of Sean Bell. Similarly, while their direct criticism and anger goes out to the police ‘that is killing us’ it is the ‘white businesses’ (and thus Caucasians in general) they would actually like to harm. The broader economic link becomes even clearer in the next sentence, in which Mr. Shabazz proclaims that it is the stores (representing the white power structure) that will cause the ‘destruction’ of the black community, and therefore African Americans should ‘Leave those burgers alone’. The word choice in this matter is harsher than the more mainstream utterances of critics such as Mr. Sharpton, strongly indicating that the New Black Panthers deliberately aim to offend a large group of people and not just the police. Put differently, the group communicates statements and uses words that are generally thought of as offensive by mainstream Americans. Such harsh word choice in this matter includes a strong generalization of police violence and a more pronounced racial ‘us-versus-them’ thinking. For instance ‘the police that is killing us’ is rhetoric that implies that the entire police force is out to kill the black community, which is not a mainstream thought. Harsh word choice also includes the usage of the derogatory word ‘pigs’ for police officers, and the insinuation of violence and vengeance. The police should be ‘offed’ for killing ‘our’ (black) kids, and ‘50 shots’ should be used for ‘50 cops’ — literally meaning ‘an eye for an eye, a tooth for a tooth.’ Other insinuations of violent actions include the reference to ‘a revolution’, and more directly, the pulling out of customers from stores.

Thus, the discourse of the New Black Panthers consists of criticism concerning issues such as ‘white supremacy’ of which the police are just a small part. Moreover, the New Black Panthers aim to hurt a larger group of people than the New York Police, by using the Sean Bell case to harm white businesses (and so Caucasians in general) and by using statements that offend mainstream Americans, and not just the police.

Based on these examples it can be argued that the second-agenda criticism and the use of the NYPD as a political tool is present — and blatantly visible — in the communication uttered by members of the New Black Panthers. This does not directly imply that such usage is widespread, as the New Black Panthers are not representative for the much larger group of stakeholders criticizing the New York Police for the shooting of Sean Bell.



The New Black Panthers have less clout and a much smaller bandwidth than critics such as Mr. Sharpton and the organization he leads, the National Action Network. Proof of this can be found in the amount of attention given by newspapers to either group: The New Black Panthers are mentioned only rarely in the *New York Times*, whereas Mr. Sharpton and the National Action Network dominate in the news coverage on Sean Bell. Therefore it is interesting to take a look at whether Mr. Sharpton and others use similar references to such issues.

### **Sharpton's protests**

The usage of the police as a political tool is far less blatant in the statements of other stakeholders criticizing the police, yet there are certainly some statements that are of interest in relation to second-agenda criticism.

Possible indications of second-agenda criticism can be found for instance in the rhetoric displayed at the protest march led and instigated by Mr. Sharpton on December 16, 2006. Days before the protest, Mr. Sharpton had already mentioned that he might initiate a 'shopping boycott' to protest the shooting.<sup>78</sup> The character of the actual protest was not a 'rigid withdrawal of commercial or social relations', i.e. the factual definition of a boycott, as Sharpton initially suggested, but certainly showed resemblances to the definition of the word, as the following excerpts on the 'shopping for justice' protest march demonstrate:<sup>79</sup>

#### ***During the 'Shopping for justice' protest march (December 2006)***

Mr. Sharpton speaking just before the march:

"We're not coming to buy toys, we're not coming to buy trinkets — we're coming to **shop for justice**. [...] Our presence is a bigger statement than anything we could ever say with our mouths."<sup>80</sup>

Mr. Sharpton speaking just after the march:

"This is the beginning. We will quickly go now to direct action and **economic targets**."<sup>81</sup>

Also of interest are some of the statements made during this specific protest march:

"**No shopping, no justice**."<sup>82</sup>

"Unless Santa Claus is going to bring justice, **we don't want Santa Claus coming down the chimney this year**."<sup>83</sup>

The statements made during the rally hint in several ways towards the use of second-agenda criticism. Although less blatant than the New Black Panthers, Mr. Sharpton links the main object of protest — the Sean Bell shooting — to an 'indirect economic sanction' not merely directed at the police, but at shoppers on Fifth Avenue New York. Mr. Sharpton speaks of 'economic targets', and the slogan 'No Justice! No shopping!' likens the much more blatant 'Leave those burgers alone!' In a similar way,

the word choice of ‘toys’ and ‘trinkets’ is an ironic way to describe shopping, possibly aimed at offending wealthy New Yorkers, especially since the march was held on the ‘swank’ Fifth Avenue and led “down a parade of elegant stores, past crowds ogling the blue-lighted diamonds in the Tiffany & Company windows; past Bergdorf Goodman, Prada and Henri Bendel; past St. Patrick’s Cathedral, with its medieval interior light, and Rockefeller Center, where Salvation Army vocalists sang carols.”<sup>84</sup>

The protest is not a direct plea for a shopping boycott such as the New Black Panther march was, but the same ‘boycott rhetoric’ has been applied. Thus, the protest can be characterized as an indirect verbal blocking of goods: ‘We don’t want Santa Claus coming down the chimney this year.’ Moreover, the protest crowd was so large that it did obstruct people from doing their Christmas shopping, which resulted in the annoyance of some.<sup>85</sup> In fact, these people were unintentionally ‘boycotted’.

Should Mr. Sharpton’s protest be characterized as second-agenda criticism? The findings can be explained in two different ways. First, the protest march can be interpreted as a communication strategy with a strong agenda-setting component. Within this explanation, not the police, but ‘Santa’ is used as a ‘tool’ to bring across the issue of police violence. The march is then not an act of second-agenda criticism, but a smart PR strategy. On the other hand, the resemblances with the New Black Panthers protest marches are striking, even though Mr. Sharpton’s protests are more ‘toned down’. Mr. Sharpton’s protest can thus also be interpreted as an indirect verbal economic ‘sanction’ aimed at a larger group than just the New York Police, just like the New Black Panther protests. Mr. Sharpton’s protests comprise ‘communication that shows an indication to purposely harm/offend a larger/different group than the New York Police, but in which the police appears as the main target.’ In addition, there is also indication of ‘communication that shows an indication of criticism of different issues than the Sean Bell shooting, but in which the police appears as the main target and the Sean Bell shooting the main point of attack’. Although the Sean Bell shooting is the main object of protest, the broader issues of ‘racism’, ‘racial inequality’ and ‘civil rights’ can be found in the described character of the march and in the statements made by protesters. The *New York Times* points out that Sharpton specifically appealed to the legacy of the Rev. Dr. Martin Luther King Jr., associating this ‘silent march’ to Dr. King’s non-violent campaign for civil rights in the 1960s.<sup>86</sup> In this light, the quote discussed earlier from Harry Belafonte made during this protest is also of interest:

***At the ‘shopping for justice’ protest march (December 2006)***

Harry Belafonte, who marched along, said:

“It is indeed a sad statement that we have to, **after 300 years**, still be gathering to query, **look for and demand justice**,” Belafonte said. **“Racism is the root of most of the evils that ruin this country.”**<sup>87</sup>

In their statements made on the day of the protest march, both Mr. Sharpton and Mr. Belafonte focus on the historical patterns of general injustice towards African Americans, Sharpton likening his march to Martin Luther King's civil rights campaign during the 1960s and Belafonte to the historic '300 years', the number referring to the beginning of slavery in the US and a period of racism and racial inequality, which, according to Belafonte, is still "the root of most of the evils that ruin this country." In other words, the broader issue of racism could be interpreted as more important than the immediate cause of police violence, seen in the light of the protest. However, it is hard to substantiate such a claim, as the indications are far less blatant than in the New Black Panther protests, and there is a fine line between broader framing and second-agenda criticism.

Both the articulated threats to organize protests and boycotts against economic targets, and the prevalence of the broader issues of racism, racial inequality, and civil rights within specific police-violence criticism, reoccur several times in the prolonged aftermath of the Sean Bell shooting. Take the following excerpts:

*Just after the funeral (December 2006)*

An excerpt on a protest held by a small African-American human rights group called the December 12<sup>th</sup> movement:

[Amadi Ajamu, a spokeswoman] said the demonstration was conceived a month ago to address myriad social justice issues — locally and abroad — though she said the shooting of Mr. Bell came to crystallize the group's efforts.

"All over the country there's an epidemic of police brutality and police murder **and a violation of black people's rights**. [...] These kinds of incidents keep happening."<sup>88</sup>

*Just after the acquittals (April 2008)*

A *New York Times* excerpt on the immediate response to the acquittals outside of the courtroom:

Except for a few scuffles outside the Queens Criminal Court building and shouted displays of disbelief and outrage, the day passed peacefully amid calls for calm delivered by the mayor, the police commissioner and other officials. Still, the Rev. Al Sharpton, a spokesman for the Bell family, called for street protests and said people should get themselves arrested, "**whether it is on Wall Street, the judge's house or at 1 Police Plaza.**"<sup>89</sup>

A *New York Times* excerpt on one of the protests following the acquittals:

In Harlem, one of the protesters, Melanie Brown, who is 29 and lives near the street in Queens where Mr. Bell was killed and two of his friends, Joseph Guzman and Trent Benefield, were wounded, said she believed that every response, no matter how seemingly small, helped.

"What happens next happens," she said, **as protesters chanted and hoisted aloft Pan-African flags, striped in red, black and green. "Right now this is a unity thing."**<sup>90</sup>

Again, the question arises of whether or not these statements can be interpreted as instances of second-agenda criticism. There are certainly clues that indicate the possibility of such criticism. To

start with, Sharpton links the police to the broader justice system and to a symbol of economic power, an indication that the broader framings of ‘a failing system’ and ‘racial inequality’ are more prevalent than the issue of police violence. In the other statements, ‘black advocacy’ appears as more important than the issue of protests. Amadi Ajamu’s protest was already conceived before the shooting, and was initially intended to ‘address a myriad of social justice issues’, while Melanie Brown describes the protest as a ‘unity thing’.

The slogan used most frequently during the protests and in rhetorical strategies, ‘No justice, no peace’, further discussed in Subsection 1.3.1, can similarly be interpreted as part of a broader, potentially prevailing framing of racism, racial inequality, and civil rights. The slogan has a long history, and is not just used in the Sean Bell shooting or other police-violence shootings. For instance, in the 1980s, it was used several times in anti-racism protests, protesting “racial violence and drugs, and calling for a greater black voice in city government, in the schools and in economic development.”<sup>91</sup>

In the interviews conducted with Prof. Delores Jones-Brown, director of the John Jay College Center on Race, Crime and Justice and former prosecutor in New York City, the link between the need for justice, police misconduct and broader issues also comes to light:

*Personal interview held with Delores Jones-Brown (October 2009)*

Ms. Jones-Brown on the dynamics of the Sean Bell shooting:

“[White people have a] mindset that we want to protect the police at all costs. And we want to give the police the benefit of the doubt. And most sort of mainstreamers, and I would say most majority white people, have that [...] Empirical research shows that there is this general acceptance of police authority and support for the police amongst white populations. The communities that **don’t have things**, the communities are being contained by police, because they live under **circumstances that are not good circumstances**. There is not that automatic deference. This person is still stuck in that deference that is part of his or her mindset.”<sup>92</sup>

Ms. Jones-Brown believes that deference to the police is linked to broader issues, arguing that respect is linked to standard of living, race determining to a large extent the degree of wealth. By saying this, she sees the Sean Bell shooting (main topic of the interview), and, more broadly, police–community relations as a symptom of racial inequality.

**The link between the mayor and the police**

One aspect of the second-agenda criticism analysis has so far been left untouched. In Part I of this research, the relationship between the government (in particular the mayor) and the police was shown to be a crucial element in second-agenda criticism: If a group was not in favor of the city government/the mayor, they criticized the police. Throughout the twentieth century, this relationship between the police and the mayor became less visible, but still remained present. However, in the police critics’ communication there are certainly statements that implicitly underline this relationship:

### *Just after the shooting (November–December 2006)*

A *New York Times* excerpt:

The [Sean Bell] case has attracted national attention, a fact underscored by the arrival of Mr. Jackson and by a call from Mayor Michael R. Bloomberg to Bruce S. Gordon, president and chief executive of the NAACP, which wants the Justice Department to review whether the shooting violated federal civil rights laws. Mr. Jackson echoed that sentiment yesterday.

Mr. Gordon said the mayor, who **has made fighting poverty a priority** of his second term, **had expressed interest in improving education and job opportunities for young black men**. “I at least find his approach to be refreshing,” Mr. Gordon said, “but in no way am I comforted, because this incident just points out the disparities and abuses in the system that have to be changed.”<sup>93</sup>

Excerpts from a *New York Times* article analyzing the appraisal of Mayor Bloomberg after the Sean Bell shooting:

**“The mayor has reached out to the community many times and has frequented quite a lot of our events,”** said Liz Bishop-Goldsmith, president of Mothers Against Guns, a non-profit group working to reduce gun violence.”

**In addition, it does not hurt matters that Mr. Bloomberg spreads some of his wealth around the community.** Last year, three Jamaica-based organizations — one that helps small businesses, an arts and education center and a social service group for the elderly — received donations from him. But for all the goodwill the mayor has sown, there are signs that anger with police tactics and with the pace of the investigation led by the Queens district attorney, Richard A. Brown, could bubble over.

[...] “What you’ve seen in the last week between the mayor and the black elected officials and leaders **represents five years of work and developing relationships with people,**” said Comptroller William C. Thompson, the city’s highest-ranking black official. “People believe his intentions are good, and I think that goes a long way.” Mr. Thompson added that although “you don’t know what will happen next,” many of the leaders involved were still calling for restraint.<sup>94</sup>

### *After the acquittals (April 2008)*

A *New York Times* excerpt describing the response to the acquittals:

A man who approached was not there to protest the verdict. He was only walking by, on his way to pay a parking ticket around the corner. The man, Elliott Clark, 54, had seen the news of the judge’s decision on television, and though he disagreed with the verdict, he was more resigned than outraged. **This was not 2000, when Rudolph W. Giuliani was mayor and Howard Safir was police commissioner** and the four officers indicted in the killing of Mr. Diallo were acquitted, he said.<sup>95</sup>

The excerpts above comprise several clues suggesting that police critics link broader decisions and actions made and undertaken by the mayor to their appraisal of his handling of the Sean Bell shooting. More specifically, some critics let their appraisal of the mayor depend to a degree on what he has done for the community in the past, ranging from ‘developing relationships’ and ‘visiting events’ to

‘fighting poverty’, and improving education and job opportunities. ‘Different mayor, different response’ is what Mr. Clark is similarly arguing.

The positive appraisal of the mayor does not directly rule out criticism. However, the statements above do indirectly imply that because the mayor has been doing a good job, the police violence is not used as a strategy to further criticize the mayor (unlike former Mayor Giuliani; see Part I, Chapter 3).

Not all police critics positively appraise the role of the mayor:

***Personal interview held with Charles Barron (October 2009)***

City Councilman Charles Barron speaking about Mayor Bloomberg in reference to the Sean Bell shooting:

“We’re looking for justice. We’re looking for policy changes. We’re looking for budget priority changes. He [Mayor Bloomberg] is worse than Giuliani but he is smart enough to give it an appearance that things are better. Unemployment went up higher under Bloomberg than Giuliani. Stop and frisk and killings in the Police Department higher under Bloomberg than Giuliani. Homelessness higher under Bloomberg than Giuliani. The gap between the rich and poor higher under Bloomberg than Giuliani. Foreclosures higher [...] I can go on and on.”<sup>96</sup>

The statement shows how Mr. Barron, in his fight for justice, links police misconduct to other perceived injustices in the Bloomberg administration. In the eyes of Mr. Barron, the entire administration of Bloomberg is weak, of which the existing stop and frisk procedures and fatal police shootings is just a small part. However, the excerpt clearly shows how his opinion of the mayor overshadows the main issue of our conversation — Sean Bell — his blatant anger, not only in this excerpt but in the entire interview, suggesting second-agenda criticism.

**Summary**

To return to the initial question: Does the communication conveyed by police critics comprise elements of second-agenda criticism? The question remains hard to answer. While the utterances of the New Black Panthers clearly have second-agenda components, the cues to such criticism are not so explicit in the messages conveyed by other, more mainstream police critics, especially as specific issues such as the Sean Bell shooting are often part of broader framings held by police critics, such as the historical patterns of general injustice towards African Americans.

The discussed statements can hence be interpreted in two ways. On the one hand, the pervasiveness of broader issues in the communication of police critics, as well as the broader economic/political targets referred to in this communication, suggest that the Sean Bell shooting possibly serves as a news hook to communicate a broader or different agenda. In this case, the issues of racism, racial inequality, and civil rights, but also the ‘us’ feeling/racial bonding, in the discussed statements tend to prevail over the issue of police violence or the Sean Bell shooting specifically, and

moreover, seem to stand on their own. In this light, the previously discussed racial framing becomes prevalent over the direct cause for concern, i.e. that of the Sean Bell shooting. Moreover, some critics seem to let their criticism on the police-violence shooting depend on broader mayoral actions and decisions, which can either result in a decrease or increase of the usage of the police as a political tool, depending on the positive/negative appraisal of the mayor.

On the other hand, as will be further scrutinized in Subsection 1.3.4, Mr. Sharpton, the most visible police critic, purposely disassociates his protest marches from violence, his statements are generally in line with American values, and he clearly distances himself from hard-line critics such as the New Black Panthers. Mr. Sharpton's alleged usage of second-agenda criticism is not as rigid as that applied by the New Black Panther movement. The same can be said about other more mainstream police critics. The examples above can hence best be described as 'broader-agenda criticism' rather than as second-agenda criticism. Still, by conveying such broader-agenda criticism, stakeholders do bring up wider issues which the police are not chiefly responsible for, such as perceived widespread racial inequality, yet the police do take the full force of this criticism. Thus, broader-agenda criticism can have a similar effect on the process of debate as second-agenda criticism, as will be further discussed in the final conclusion.

#### **1.2.4 Conclusion**

The analysis conducted in this section has demonstrated that most police critics interpret the shooting within a broader framing of pervasive police misconduct, unfair policies and procedures, abuse of power and racial injustice in the broadest sense of the word. The processes that took place after the shooting are also placed within a broader framing: While the fight for justice for Sean Bell is seen as part of the civil rights movement, the aftermath of the shooting is rooted within a framing of prolonged and systematic judicial and political inadequacy, incapacity, failure, impasse and unwillingness. All discussed framings have powerful organic and historical dimensions.

The rhetoric used to convey the cognitive associations with these broader framings is highly emotional, describing in harsh words the magnitude of the historical and organic dimensions of the shooting as well as the magnitude of the case itself. In some ways, such exaggeration and use of emotion can be described as a strategy used to secure the desired outcome of debate (emotional blackmail). In a broader sense, framings are not always spontaneous cognitive associations, but often used as a PR strategy to underline the magnitude of the injustice done and to mobilize the group of stakeholders to take action.

Although police critics incorporate similar references to interpretative framings in their communication, and moreover, use similar rhetorical strategies, there are certainly gradations. Radical groups such as the New Black Panthers lay a far heavier emphasis on interpretative framings than

more mainstream critics, and moreover, use extremely harsh rhetorical strategies directed at a larger group, indicating that they aim at an implicit second agenda.

Police critics apply the discussed framings without discrimination of time and place. From the outset, the Sean Bell shooting was linked to other police-violence cases. However, there are slight nuances. Within semi-private meetings, mainstream police critics are more pronounced in their focus on the civil rights movement. Also, rhetoric is particularly emotional on such occasions.

In conclusion, the discussed framings can be seen as the base for the perceptions discussed in the previous section, but also for the positioning of police critics to be scrutinized next. While the ‘blame factor’ within the ‘50 shots’ label is a product of a broader pattern of perceived injustices, the ‘us-versus-them’ perceptions are — to an extent — a product of the civil rights movement against those who are responsible for these injustices. Depending on the framings constructed by other stakeholders in the debate, the police in particular, the powerful framing of police critics can have a profound effect on the overall process of communication in the debate that ensued after the Sean Bell shooting.



## 1.3 Positioning

This section takes a closer look at the positioning of police critics in the ‘Sean Bell’ debate. To understand their positioning, it is first necessary to see how rigidly defined the police critics’ ‘desired outcome’ of debate is. A rigidly delimited desired outcome can indicate indifference and incomprehension towards other stakeholders’ outcomes, which, in turn, can cause ‘noise’ in the communication between stakeholders. Conversely, a flexible desired outcome of debate can indicate the opposite. Second, it is interesting to see how rigidly police critics delimit the reality concerning the shooting, as well as their broader conception on police–community relations. Third, this section discusses the driving force of the police critics’ response to events that occur throughout the aftermath of the shooting. This analysis is followed by a scrutiny of the rhetorical strategies used by police critics. As a final point, this section will examine any shades of gray in the utterances of police critics.

The positioning of police critics in the ‘Sean Bell’ debate is influenced by the discussed framings and labels, and the following discussion will incorporate this analysis to demonstrate the interaction and interrelation between images, framings, and positioning.

### 1.3.1 The delineation of debate: Justice for Sean Bell

What do police critics want to accomplish in the debate ensuing from the Sean Bell shooting? By scrutinizing the discourse of different critics in the ‘Sean Bell’ debate, one specifically desired outcome comes to light on numerous instances:

#### *Just after the shooting (November 2006)*

Mr. Sharpton:

“I think the city should be working to suspend those cops and show they’re seriously going after some **justice** here.”

[...] “We’re interested in being treated **fairly** and **rightly**. And that will happen when police are **held as accountable** as anyone else.”<sup>97</sup>

#### *At the funeral (December 2006)*

An excerpt from Mr. Sharpton’s speech:

“We don’t hate cops. We don’t hate race. We hate **wrong**. There’s a difference between peace and quiet. Quiet means shut up. Quiet means suffer in silence. Peace means justice. We want peace, but we won’t get quiet until we get **justice**.”<sup>98</sup>

Joseph Barry, 20, of Brooklyn (one of the mourners at the funeral):

“It’s ridiculous. [...] **Justice needs** to be done, and **justice** also **needs** to be served.”<sup>99</sup>

#### *In the period after the funeral (December 2006)*

Nicole Paultre Bell:

“I’m actually, to be honest, not angry. [...] I’m more just trying to be strong. I just want **justice**. Me and my family just want **justice**.”<sup>100</sup>

Mr. Butts speaking about the mayor:

“**The only way** he can demonstrate that **he really gets it** is by pulling his police commissioner and officers in line.”<sup>101</sup>

### *Just before the indictments (March 2007)*

Sanford Rubenstein, one of the lawyers representing Mr. Benefield and Mr. Guzman:

“All the victims have testified before the grand jury, and they want **justice**. [...] What **justice** means is that if a police officer committed a criminal act, that the police officer be held accountable, criminally.”<sup>102</sup>

Charlie King, a lawyer for five of the witnesses to the Sean Bell shooting:

“It’s been a long process and it’s time for **justice to be served** in this case.”<sup>103</sup>

### *Just after the indictments (March 2007)*

A *New York Times* excerpt on one of the celebratory gatherings held immediately after the indictments:

A wall at Baisley Park [where Bell had spent a lot of time] has been converted into a tribute to Mr. Bell, with a Bible opened to a passage from the book of Amos, which begins, “Let **justice** roll down like waters, and **righteousness** like an ever-flowing stream.”<sup>104</sup>

### *At several protest marches held throughout the aftermath of the Sean Bell shooting*

Signs and slogans included:

“**Justice** for Sean Bell”<sup>105</sup>

“**No justice, no peace**”<sup>106</sup>

### *Just before the acquittals (April 2008)*

A *New York Times* excerpt:

The Rev. Al Sharpton said that **nothing short of** manslaughter convictions would bring **justice**.<sup>107</sup>

### *Personal interview held with Charles Barron (October 2009)*

Mr. Barron explaining what ‘Justice for Sean Bell’ entails:

“Justice in the Sean Bell case would have been for Officer Cooper whose four bullets were the ones that entered Sean Bell’s body [*sic*, see footnote]: **murder in the second degree** at least. He should have been **indicted and convicted for murder**. The others, who discharged their weapons, should have **been charged with reckless endangerment**. Those, whose bullets filled Joseph Guzman’s body, should have been charged with **assault and attempted murder**. Those who shot Benefield should **have been charged with assault and reckless endangerment**.”

Justice for Sean Bell in a broader sense means firing Police Commissioner Kelly, means **changing policies, means compensation for the family, so they should definitely compensate the family financially. Heads should roll, you know all the police involved. His children and his fiancée should be taken care of, that is Justice for Sean Bell.**”<sup>108</sup>

In the statements above, police critics such as the Bell family, the two wounded men, their lawyers, and protesters, all lay special emphasis on the concept of ‘justice’. They do this continuously throughout the aftermath of the shooting and in all of the different venues in which the debate takes place.

What does this notion of justice mean to police critics and what does the label ‘Justice for Sean Bell’ stand for? When putting the arguments above side by side, the characteristics of the justice notion held and conveyed by police critics become apparent. First of all, the quotes demonstrate that these police critics are not only looking for justice, they are in dire need for it. The reoccurring word combinations ‘needs to be done’ and ‘needs to be served’ reflect a high level of exigency. Police critics won’t be satisfied before they have gotten justice, and therefore they are determined to get it: No justice, no peace. This concept is further explained later on in this subsection.

Second, the police critics have a clear notion of what the concept of justice should entail. In the English language, the concept of justice has two meanings that are relevant in this matter:

1. Just behavior or treatment/ the quality of being just;
2. The administration of the law or authority in maintaining this.<sup>109</sup>

The police critics’ use of the concept of justice relates to both of these definitions. More specifically, the critics not only believe that there should be ‘just behavior or treatment’ (definition 1) following the Sean Bell shooting, they are also saying that the authorities are responsible for maintaining justice (definition 2). Within these definitions, justice is a delimiting concept to these critics. As Mr. Rubenstein (indirectly) points out: The charged detectives should ‘be held accountable, criminally’. Only then will there be justice. Similarly, Mr. Sharpton argues that justice will only be served if the officers are immediately suspended, convicted for manslaughter, and if the police commissioner and the officers are ‘pulled in line’. This accent within the concept of justice used in the discussions above lies on the first syllable, ‘just’: Holding the officers criminally accountable and punishing them is the only ‘fair’ and ‘right’ thing to do. Only then will there be ‘righteousness’. Yet ‘Justice for Sean Bell’ also has a broader, political component, as pointed out by Mr. Barron, including resignations, policy changes and compensation for the family.

Justice itself is a notion that is part of the common values that Americans share. The notion itself is ‘coalition-oriented’ as it seeks common ground with the realities held by other stakeholders. The police critics’ definition of the concept, however, is delimiting, which could indicate that such common ground is not sought, and that the use of the notion is not coalition-oriented. The extensive

list of prerequisites listed by Mr. Barron for justice to take place already gives some insight into the rigidity of the notion of justice. However, the desired outcome of justice has to be further analyzed in order to expose more clearly the degree of delimitation.

Although to police critics the notion of justice implies multiple actions to be taken (convictions, internal measures, and so forth), the following analysis mainly focuses on the judicial justice. The reason for this is that in the chosen time frame for this research, the debate mainly focused on the judicial component of justice for Sean Bell.

### **No justice, no peace: A catalyst label for persistent protest**

The references to justice are not limited to the examples above. When examining the articles selected for this study, a pervasive and continuous pattern emerges. This pervasiveness is partly due to the communication strategy and rhetoric of Mr. Sharpton, who incorporated the notion of justice in his speech at the funeral of Sean Bell and later continued to use the rhetoric from this speech to criticize the shooting and its aftermath. In addition he used the rhetoric as a theme in the different protest marches held for Sean Bell. The briefly discussed excerpt from Mr. Sharpton's funeral speech deserves a second glance:

#### ***At the funeral (December 2006)***

An excerpt from Mr. Sharpton's speech:

“We don't hate **cops**. We don't hate **race**. We hate **wrong**. There's a difference between peace and quiet. Quiet means shut up. Quiet means **suffer** in silence. **Peace** means justice. We want **peace**, but we won't get **quiet** until we get **justice**.”<sup>110</sup>

Mr. Sharpton's quote is interesting for several reasons. What is at first striking is the powerful, passionate oratory, containing many of the rhetorical elements previously discussed. One of these elements is the rhetorical use of emphasis. The twice used negative denominator 'don't' puts extra emphasis on the object of criticism ('cops'), as well as on the racial undertones of the public debate ('race' and 'we').

The statement also has strong emotional/emphatic components. For example, the word 'hate' has an inflammatory character, emphasizing and further exacerbating the anger felt by Sharpton himself and by his audience. The word 'suffer' also has emotional connotations, relating to the communal suffering felt by community members as a result of the shooting of Sean Bell, captured in and perpetuated by the label 'We love Sean Bell'.

The use of the word 'peace' is also interesting, especially as his reference to the word can be interpreted in different ways. By saying 'there is a difference between peace and quiet', Mr. Sharpton could imply that one can be loud and be peace-loving at the same time; or put differently, he could mean that it is important to fight for justice, but this should be done in a non-violent manner. In this

context, Mr. Sharpton distances himself and his constituency from a physically violent approach and from more radical voices propagating such an approach. Conversely, from a different vantage point, his words could imply that New Yorkers can be quiet without ‘peace of mind’ and thus admonitions to be quiet and not disturb the peace, such as the protest marches, are misdirected as long as there is no justice. In fact, by saying ‘Peace means justice’ and ‘We want peace’, Mr. Sharpton does not refer to ‘peace-loving’ but to ‘peace of mind’. Justice becomes a prerequisite for peace. By forging in his statement a causal relationship between ‘quiet’, ‘peace’, and ‘justice’, Mr. Sharpton sets up conditions for the first two to take place: They [community members] will and should not be quiet without peace, while peace only takes place when there is justice.

This causal relationship has a profound effect on the positioning of the police critics in the Sean Bell debate, influencing the negotiation space available and invigorating the zeal to continue to fight. Moreover, Mr. Sharpton anticipates any criticism that might denounce their protests as ‘disturbance of the peace’. Although Mr. Sharpton’s passionate oratory and emotional rhetoric at the funeral should be seen within the context in which the speech took place — a funeral — and in the light of the audience — a grieving like-minded group of people consisting of family, friends, and community members — components of the rhetoric return frequently throughout the statements made by Mr. Sharpton and other police critics in other instances, causing a catalyst effect for the use of the slogans ‘Justice for Sean Bell’ and ‘No justice, no peace’. The causal relationship forged by Mr. Sharpton in his funeral speech is a driving force: We will continue to be ‘loud’ until we get peace.

Due to the catalyst effect, both slogans become labels, through which the scattered and elusive expectations concerning the debate can be better understood, similar to the previously discussed labels ‘50 shots’ and ‘We love Sean Bell’. More specifically, while ‘50 shots’ represents the police critics’ perception towards the police, and ‘We love Sean Bell’ represents the self-image that police critics hold, ‘Justice for Sean Bell’ represents the police critics’ desired outcome of debate, and ‘No justice, no peace’ represents both the condition for the debate to be resolved and the preparedness to fight for this. It should be noted that there is a certain degree of overlap between the labels, due to the core label ‘Sean Bell’. More specifically, the intimate, personal, and emotional label ‘Sean Bell’ affects the label ‘Justice for Sean Bell’, from which consequently a level of intimacy and emotionality also emanates. The emotional rhetoric used by Mr. Sharpton in his funeral speech is an example of this.

What do both labels tell about the positioning of the police critics in the debate, and to which level is this positioning coalition-oriented? Similar to the definition used by police critics for the notion of justice itself, the label ‘No justice, no peace’ accommodates a delimiting prerequisite for the debate to come to an end. This delimitation narrows down the possibilities for negotiation, making the label and what it stands for less coalition-oriented. On the other hand, the label also propagates a non-violent approach to achieve justice, by which Sharpton dissociates himself and his supporters from

more radical voices. This peaceful approach only applies to actions, not words: Although Mr. Sharpton does not imply the use of violence, the reverend does set a harsh and uncompromising tone, which is non-coalition-oriented and can have an effect on other stakeholders, as will be discussed in Subsection 1.3.4.

So, while the rigid definition of justice sets the parameters for the playing field in which negotiation can take place, both the rigid and coalition-oriented characteristics of ‘No justice, no peace’ indicate the level of rigidity and harshness at which the game will be played. Both indications need further investigation. To explore them, the analysis of this subsection will now focus on the manifestation of these labels and the broader notion of justice in different stages of the debate and in different venues.

### **The rigidity of justice: ‘People’s verdict: Guilty’**

To better understand the police critics’ conceptualization of the notion of justice and their method of communicating this conceptualization, both are best scrutinized when ‘in action’. It is interesting to see how police critics reacted to different judicial decisions that took place after the shooting, as well as how they positioned themselves in different judicial settings.

The decision that conflicts most with the police critics’ notion of justice is evidently Judge Cooperman’s decision on April 25, 2008 to acquit the charged detectives. It is therefore interesting to see first how police critics reacted to this decision. A few *New York Times* excerpts from just after the acquittals:

#### ***After the acquittals (April–May 2008)***

A *New York Times* excerpt on Mr. Sharpton:

“We’re going to demonstrate to the government that New Yorkers will not take this **abortion of justice lying down**,” Mr. Sharpton said.

[...] Mr. Sharpton also argued that Justice Cooperman’s ruling **set the table** for federal civil rights charges. “People with records,” he said, “do not lose their right to not be shot by police.”<sup>111</sup>

An excerpt on Joseph Guzman speaking at a meeting held at the National Action Network’s headquarters in Harlem:

Joseph Guzman [...] spoke in somber tones of the emotional whiplash of the previous 24 hours. [...] “**Yesterday, I felt defeated**,” he said.

[...] “**We still here, we still in it**,” said Mr. Guzman, who spoke so softly at one point that the audience had to ask him to speak into the microphone.<sup>112</sup>

An excerpt on Nicole Paultre Bell, speaking at the same meeting:

“April 25, 2008, they killed Sean all over again,” Ms. Paultre Bell told the audience. “**I’m still praying for justice**, because this is far from over. Every march, every protest, every rally, **I’m going to be right up front**.”<sup>113</sup>

Les Paultre:

“We’re not going to give up. [...] **We’re going to keep pushing forward** because Sean did not die in vain, and these young men should not have been stopped in the first place.”<sup>114</sup>

An excerpt on Mr. Hardy:

Ms. Paultre Bell chose not to make any denunciations after the shooting, deferring to the legal system, said Mr. Hardy, **That respect had evaporated**, he said.<sup>115</sup>

An excerpt on the ‘100 Blacks in Law Enforcement Who Care’, an African-American fraternal police organization that was repeatedly critical of the shooting and the outcome of the trial:

“The **judgment is wrong**,” said Marq Claxton, the chief spokesman of the 100 Blacks in Law Enforcement Who Care, **“I reject it.”**

[...] “We speak on behalf of everybody whose rights are violated,” said Mr. Claxton, the spokesman. He said the Bell verdict was **predictable** **“but still very offensive to us.”**

“It’s very **painful**,” he said. “There is **no justice** for the family.”<sup>116</sup>

Elliot Clark, a case manager for HIV and AIDS patients, a passerby who was near the courthouse:

“The times have changed. [...] People have been **so disappointed by the outcome** of the judicial system. **Every five years** something crazy happens, and people are people. They move on with their lives.”<sup>117</sup>

Charles B. Billups, the president of the Grand Council of Guardians, an umbrella group for black officers working in several law-enforcement departments:

“The Grand Council of Guardians believes that the Queens district attorney’s office **presented a weak case**,” adding that the state should create a special prosecutor’s office for cases like this.”<sup>118</sup>

A sign held by one of the protesters outside the courtroom:

**“People’s Verdict: Guilty.”**<sup>119</sup>

### ***Personal interview held with Charles Barron (October 2009)***

Mr. Barron speaking in retrospect on the acquittals:

“The courts have a **lot of nerve letting these murderers go**.”<sup>120</sup>

First, these statements tell something about the police critics’ delineation of justice. To these critics, the concept of justice is not just ‘the administration of the law or the authorities in maintaining just treatment’. Justice only takes place when the officers are held *criminally accountable*. Any other outcome is ‘wrong’, and an ‘abortion of justice’, and should be ‘rejected’. Second, the statements above show how such perceived ‘abortion of justice’ results in an ‘evaporation of respect’ in the legal system, which had a ‘lot of nerve letting these murderers go’. This loss of respect is succinctly summarized in the sign ‘People’s Verdict: Guilty’. The disappointment in the outcome should be seen within the framing of judicial and political failure: Police critics are not only disappointed by the

acquittals of the officers, they ‘have been’ in the past too, as similar incidents happen ‘every five years’, and justice did not take place in these incidents. Hence the acquittals were ‘predictable’.

The word choice in this matter can be characterized as harsh and uncompromising: The words ‘abortion’ and ‘evaporate’ demonstrate the gravity of the ‘wrongdoing’ in the eyes of these critics, while the words ‘rejection’ and ‘wrong’ show that there is no concession or middle course possible in the notion that justice has not been done. There is only one outcome possible.

The vocabulary also consists of many emotionally charged elements. In fact, this emotionality appears to extend beyond the chosen words. Police critics seem to act within an emotional reality, further discussed in Subsection 1.3.3.

The statements made by police critics thus demonstrate the profound insistence on justice as well as the narrow scope of the concept’s usage. More specifically, the excerpts show that, for the police critics, the ‘only way’ the system works is for the detectives to be held *criminally accountable*. Only then does their notion of justice take place.

The statements also tell something about the ardency and zeal through which police critics will continue their fight for justice. ‘New Yorkers’ (police critics) will not take the verdict ‘lying down’ but will continue their battle for justice. This fight for justice is seen as a tiresome struggle (‘Yesterday I felt defeated’) that should be continued with resilience (‘We still here, we still in it’). Setbacks such as the acquittals merely reinforce (‘set the table’) the need to move on. The police critics’ reaction is fully in line with the earlier-defined label ‘No justice, no peace’: The public debate should go on, as justice has not yet taken place.

A lot of the criticism that emerged after the verdict was not just directed at the system itself, but at Justice Cooperman directly. A few examples of such reactions:

### ***Just after the acquittals (April 2008)***

Les Paultre, the father of Nicole Paultre Bell:

“We just all gasped, like, ‘**Wow, how could you** throw out this whole case?’ [...] That’s basically what the judge did. **He just threw out this whole case.**”<sup>121</sup>

An excerpt on Mr. Sharpton, who was particularly angry about the justice’s statement on the criminal history of the victims, and his comment that parts of the testimony of Trent Benefield and Joseph Guzman are unbelievable:

“**The fact** is, **judge**, he was shot,” Mr. Sharpton practically spat. “**Duh**, does it take a **genius** to figure out that a victim now has to give you a clinical definition of when he was shot? Maybe he didn’t remember because he was in pain and maybe he didn’t remember where because he was in the middle of running for his life.”<sup>122</sup>

Mr. Hardy:

“I think Cooperman’s **rejection**, his **unequivocal rejection**, was liberating to Nicole. [...] She now feels unrestrained in her love for Sean and her quest for **justice**.”<sup>123</sup>



Dick Dadey, executive director of Citizens Union, a watchdog group:

The Bell verdict “reinforced, in the minds of some city residents, that there is **not a fair system for addressing police misconduct**.”<sup>124</sup>

What is at first striking in the selection of quotes above is the disbelief towards the verdict. A ‘not guilty’ verdict does not fit within the critics’ notion of justice, resulting in the question: How could Justice Cooperman have done this? This disbelief is amplified by expressions such as ‘wow’, and ‘duh’ as well as by the repetition of arguments, demonstrating a lack of understanding of the views held by other stakeholders. To these critics, the notion of justice is so clear-cut, that it is hard to understand that others see things differently: ‘Duh, [derogatory] does it take a genius to see what justice is?’ is what Mr. Sharpton is indirectly saying. Again, the label ‘No justice, no peace’ is reinforced: Justice Cooperman ‘rejected’ justice, and therefore the ‘quest’ for justice must go on, as Mr. Hardy is saying. His quote contains an indirect threat: Now that justice has been ‘rejected’, Nicole — obliquely representing the black community in this statement just like Sean Bell does — is ‘liberated’ and can act ‘unrestrained’ now. Although Mr. Hardy does not specify from what Nicole is liberated, it can be assumed it is the legal system, implying that there is no need anymore to depend on this system, or even act within its rules. Put differently, his statement is an indirect warning: ‘We will use our own means now to protest the shooting and the verdict’. The ‘pray-in’ protests that took place days later are an example of this attitude.

### **The notion of justice before the acquittals**

There are other moments and different settings in the aftermath of the Sean Bell shooting when the police critics’ notion of justice is challenged or in a broader sense becomes apparent. In fact, the notion was challenged from the very beginning:

#### ***Just after the shooting (November 2006)***

Irene Marcelle, a retired school counselor speaking at a community meeting held with Mayor Bloomberg and Police Commissioner Kelly:

“We don’t feel the mechanisms are at work to really bring **peace and justice**.”<sup>125</sup>

Ms. Marcelle expresses the communal feeling of distrust towards the political and judicial handling of the Sean Bell case, illustrating the transition from broader framing of police misconduct and racial injustice to the current positioning and feelings felt by police critics. From the outset, the response to the shooting is thus colored by past events and is a product of the framing of judicial and political failure.

The following main ‘test’ for the police critics’ notion of justice was the grand jury process that took place a few months after the shooting. Already before the outcome, the rigidity of the police critics’ definition became apparent:

### *During the grand jury process (March 2007)*

Two *New York Times* excerpts:

The Rev. Al Sharpton, who led protests and worked closely with Mr. Bell's fiancée, Nicole Paultre Bell, as well as with Trent Benefield and Joseph Guzman, who were shot but survived, said **he would call for a special prosecutor** to take over the case if he considered the grand jury's action "insufficient."<sup>126</sup>

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Mr. Guzman and Mr. Benefield said yesterday that they **would refuse** to help prosecutors during a subsequent trial if the grand jury indicts only one of the officers. "**I wouldn't cooperate, not at all,**" Mr. Guzman said during a news conference at the Rev. Al Sharpton's National Action Network headquarters in Harlem.<sup>127</sup>

Both excerpts expose the rigidity of the police critics' definition of justice: All three officers should be indicted; just 'one' is not enough. The excerpts also demonstrate the indirect display of distrust towards the judicial system. Mr. Guzman's remarks can be seen as a similar threat to the one made by Mr. Hardy, as Mr. Guzman threatens not to cooperate with the judicial system. Such threats, which occur frequently in the utterings of police critics (more examples will follow throughout this analysis), can be typified as instances of 'communicative blackmail', in which (future) actions that do not match the rigidly defined notion of justice are paired with repercussions.

The second key instance when the notion of justice is challenged occurred when the officers were indicted by the grand jury on March 16, 2007. This instance is interesting because at this moment in time the prerequisites for justice were still met according to the police critics. Now that their need for justice is (temporarily) satisfied, their response is in many ways the exact opposite of the responses scrutinized above. The following statements illustrate this:

### *Just after the indictments (March 2007)*

*New York Times* passage describing Bishop Erskine Williams' response to the indictments:

After a week of mounting tension in southeast Queens, the news that three officers would face criminal charges in the shooting of Sean Bell came as a relief to Bishop Erskine Williams. He heard it on television yesterday afternoon **and could not stop smiling**.

"I think **the fever's breaking**," Bishop Williams said. "People **will be more at ease** now."

[...] The indictments would **restore his neighbors' confidence in the criminal justice system**, said Bishop Williams, who is pastor of New Seasons Family Worship Center and a spokesman for Joseph Guzman and Trent Benefield.

"We were pretty much of the opinion that the cops pretty much had **their way**. Whatever they said went," he said. "I think this will sort of restore some trust. It's necessary when you've had this type of egregious act take place. **It has to be dealt with, and I think it was.**"<sup>128</sup>

An excerpt describing Bishop Lester Williams' response to the indictments:

If there had been no indictments, he said, “you have groups out there that **would not have been calm. The youth** of this city **would have responded.**”<sup>129</sup>

An excerpt on Mr. Guzman’s response to the indictments:

“Today we got an indictment — **Round 1,**” said Mr. Guzman, who rose from his wheelchair to speak with reporters after the arraignment. “**We got a hard road to go.** We lost somebody dear. **We’re going to fight all the way until we get justice.**”<sup>130</sup>

An excerpt on people’s responses to the indictments:

Suzanne Mendoza, a nurse’s aide who was at McDonald’s restaurant on Jamaica Avenue when she heard the news, called the result “**unbelievable.**” She had been convinced there would be no indictments, and said she was **shocked to be wrong.**

[...] “This could have happened to anyone here,” he said [Darren Goodman, one of the people at the Baisley Park gathering]. “It could have happened to me.” A friend walked up, and Mr. Goodman said, “Did you hear?”

“**I’m at a loss for words,**” the friend said. “**I’m at a loss for words.**”<sup>131</sup>

Ms. Paultre Bell responding to the indictments:

“Today was just a **baby step** in this long road we have ahead of us.” [...] “We are here to fight, and we’re going to continue to pray for justice.”<sup>132</sup>

An excerpt on Archie Spigner, who represented southeast Queens on the City Council for 28 years, until 2002:

“There has been a lot of tension,” said Archie Spigner. He welcomed news of the indictments, which show, he said, that “**the process works.**”

“It’s not a happy day, but I urge all of us to **have faith in the system,**” he said. “Now we’ll watch and see what comes.”<sup>133</sup>

In contrast to the reactions discussed before, some of the police critics now show ‘confidence’ and ‘faith’ in the same system they will denounce later, as the system is still operating in line with their notion of justice. As Mr. Spigner points out: ‘The process works’. Yet the confidence police critics have in the system is still very fragile, as the surprised reactions by community members demonstrate; they are literally ‘at a loss for words’. The difference in response to the indictments and the acquittals further emphasizes the rigid notion of justice held by police critics: the process only works when the prerequisites are met.

There are similarities too, between both responses. Bishop Lester Williams’ statement, for instance, consists of an indirect threat, similar to the warning that Mr. Hardy gave after the acquittals: If the grand jury had voted against indictments, ‘the youth would have responded’, indicating that if the police critics conception of justice does not take place, groups will not believe in justice anymore, and consequently not respect or adhere to it. By specifically focusing on youth Bishop Lester Williams implicitly stresses the potentially unruly character of such a response. In this, his statement becomes implicit blackmail.

Another recurring theme is the police critics' resilience and their struggle in a process that is perceived as long. 'It was just a baby step', Ms. Paultre Bell points out, while Mr. Guzman speaks of 'Round 1'. Their remarks are not only in line with the notion of 'No justice, no peace', but with the broader framing of continued fighting against racial injustice within an uncooperative legal and political system. More specifically, it is the perceived magnitude of previous and broader injustices as well as the perceived bitter fight for civil rights that evokes this resilience, but also the feelings of suffering.

Not everyone's sense of justice was satisfied after the indictments. To some critics the charges were not sufficient:

*Just after the indictments (March 2007)*

Hazel N. Dukes, president of the New York State Conference of the NAACP Branches:

"Manslaughter is **not good enough** because **we've seen people walk on that**."<sup>134</sup>

City councilman Charles Barron:

"**They're setting it up** for an acquittal or a **slap on the wrist**."<sup>135</sup>

To Ms. Dukes and Mr. Barron, a conviction based on manslaughter charges still does not fit within their notion of justice. To them, 'justice' implies that the officers are not allowed to 'walk' and that manslaughter charges would be a 'slap on the wrist'. Apart from this, the words chosen to describe their sense of justice have a vindictive character, further discussed in Subsection 1.3.4. Furthermore, Mr. Barron's words demonstrate distrust towards the legal system represented by the impersonal 'they', who — in Barron's view — are 'setting it up'.

After the indictments, events slowed down for a while. There was a large time span between indictments and the upcoming court case, to take place about a year later. This deceleration in itself was a challenge to the notion of justice:

*Almost a year after the shooting (September 2007)*

Mr. Sharpton commenting on the protracted start of the trial:

"We will be noting the **first anniversary of this without having seen these men go before the courts and justice be ascertained**."<sup>136</sup>

Mr. Sharpton underlines the community's resilience to fight for justice in a process that is characterized by judicial inertia. At other points between the indictments and the trial, he also made remarks that demonstrate the rigidity of the notion of justice, as well as the harshness of the reverend's rhetorical strategies to achieve justice:

### *After the indictments (March 2007)*

An excerpt on Mr. Sharpton looking ahead on the prosecution of the shooting:

Mr. Sharpton, who met with Mr. Brown for an hour after the arraignment, told reporters afterward that he hoped to see “an aggressive prosecution, with no plea-bargaining or harassment of witnesses.” He said the two surviving victims, Mr. Benefield and Mr. Guzman, **would not cooperate** with the authorities if the trial was moved to another venue.<sup>137</sup>

### *After the motion of the detectives’ lawyers to move the trial to another venue outside of Queens (January 2008)*

An excerpt on Mr. Sharpton’s response to the motion:

Mr. Sharpton said the motion **insulted the intelligence** of the people of Queens. “I have publicly advised the two survivors **to consider not cooperating** as witnesses with any trial outside of Queens because it would make a **mockery of the criminal justice system**,” he said in a statement.<sup>138</sup>

Not only should there be an ‘aggressive prosecution’ (relating to the rigid notion of justice), the reverend also advised the victims not to cooperate when developments were not in line with their conception of justice, for example if the trial was moved to another venue. The latter threat can be seen as a harsh strategy to get justice, similar to the previously discussed instances of ‘communicative blackmail’. The vocabulary used is harsh and uncompromising in this matter: Words such as insulted and mockery amplify the interpretative framing of judicial failure.

The ultimate trial of Detective Isnora, Detective Oliver, and Detective Cooper, preceding Justice Cooperman’s ‘not guilty’ verdict, can also be seen as a challenge to the notion of justice. Take for example how police critics, especially the more pronounced ones, view Anthony L. Ricco, the lawyer who represented Detective Isnora:

### *During the trial (Spring 2008)*

A *New York Times* excerpt:

It was in the opening days of the trial of three detectives in Queens, and Anthony L. Ricco, a lawyer for the undercover detective who fired the first shots of a barrage that killed Sean Bell, was on his way to lunch when the question came.

“A bunch of young people ran up behind me quickly,” Mr. Ricco recalled. They wore pins for the New Black Panther Party. “One said, ‘I want to ask you a question.’ They’re asking me about the case. **‘How could you?’**”<sup>139</sup>

The New Black Panther member later told the reporter:

“He’s a **betrayor**. All day. **Just by** representing this man.”<sup>140</sup>

The *New York Times* further points out that Mr. Ricco’s decision to defend Giscard Isnora had irritated even some of his oldest friends:

“I was a little **outraged**,” said Andrew Brennan, 51, a longtime friend of Mr. Ricco’s. He said his frustration was not unfamiliar, and he singled out the squeegee man’s case [in which Mr. Ricco defended the policeman involved in a controversial shooting]. “We didn’t speak for a while after the acquittal,” he said. “A lot of people didn’t. The guy was only trying to make a dollar, and the cop came out and shot him.”

When Mr. Ricco agreed to take Detective Isnora’s case, “I was like, ‘You know, this isn’t going to **sit well** with **anybody**,’” Mr. Brennan recalled. “He knows the **flak** he’s facing.”<sup>141</sup>

All statements above demonstrate how police critics are unable or unwilling to understand Mr. Ricco’s motives and actions, as they do not relate to their notions of what is just. Just like Ms. Paultré Bell’s father, the New Black Panther activist asks: ‘How could you?’ Again, there is no middle road: Mr. Ricco is a ‘betrayor’ and his decision to defend Detective Isnora is not going to sit well with ‘anybody’: Harsh words that do not allow for other points of views and objectives. The statements thus demonstrate a feeling of ‘either you’re with us or you’re against us’ — illustrating the existing ‘us-versus-them’ sentiments. ‘Us’ in this context refers to both the police critics specifically and to the black community as whole. Within this context, Mr. Ricco is seen by police critics as a ‘betrayor’ of the black community. The word ‘anybody’ for that matter does not just refer to anybody, but to those from this community. Consequently, Mr. Ricco is not part of those representing the label ‘Sean Bell’: He is an outsider who is treated with suspicion.

#### **After the turning point: When justice does not take place**

After the turning point, the ‘pray-in’ protests organized by Mr. Sharpton and other community leaders, as well as the arrests and court case that followed can be seen as a ‘climax’ to what happens when ‘justice’ does not take place:

#### ***During the pray-in protest marches (May 2008)***

A *New York Times* excerpt describing the marches:

In the largest public protest against the acquittal of three detectives in the shooting death of Sean Bell, 216 people were arrested on Wednesday in carefully orchestrated demonstrations that halted traffic at busy intersections in Manhattan and Brooklyn, the police said.

The demonstrations, described by the Rev. Al. Sharpton as “pray-ins,” played out on a bright spring afternoon as boisterous displays of civil disobedience in which people signed up to be arrested, assuring organizers and lawyers that they were carrying proper identification to show to the police.

Once positioned at the intersections, demonstrators dropped to their knees or sat and prayed briefly before hundreds of police officers escorted them to busses and police vehicles.

“We **believe deeply** in what we are doing today,” said Hazel Dukes, the president of the New York State chapter of the NAACP, who **was one of a dozen people arrested** after they knelt and blocked traffic about 4:30 p.m. on the Canal Street ramps to the Holland Tunnel.

“We have come **to raise our voice for justice**,” she said **before being placed in white plastic handcuffs and taken to a police van.**<sup>142</sup>

*After the official charges of a few of those arrested during the pray-ins were made public (July 2008)*

A *New York Times* excerpt:

Most of the people who were arrested while protesting the Sean Bell police shooting verdict will have their cases dismissed. But prosecutors refused on Tuesday to drop charges against one defendant, the Rev. Al Sharpton.

The Manhattan district attorney's office wanted Mr. Sharpton to plead guilty to disorderly conduct because of his history of arrests for similar actions. Mr. Sharpton is often ready with calls of injustice, but he viewed his treatment in this case as a distinction.

"I am very honored that the court recognizes my background for standing up for what is **right**," Mr. Sharpton said outside the criminal courthouse in Manhattan, where court officers rerouted foot traffic to avoid disturbing his almost **ceremonious news conference**.

"**We** have always stood to **disobey** when we felt the **system** was not **working**."

[...] Like Mr. Sharpton, two other protesters — Joseph Guzman and Trent Benefield, who were in Mr. Bell's car and also were shot — were not offered dismissals because of previous arrests, according to a spokeswoman for the district attorney.

Mr. Benefield has no criminal convictions, but has been arrested in the past, including a robbery charge that was dismissed, said his lawyer, Michael Hardy.

Still, Mr. Benefield and Mr. Guzman, who has served prison terms for armed robbery and selling cocaine, will refuse to plead to the straight disorderly conduct charges, Mr. Hardy said. "They [Guzman and Benefield] were the victims, and, therefore, their position is **they will be willing to do a day in jail since the cops did none**."<sup>143</sup>

*During the ensuing trial (October 2008)*

Sara Flounders, one of the convicted protest marchers:

"For the judge to find us guilty of any crime when the police were found not guilty of anything, **there's no justice**."<sup>144</sup>

A *New York Times* analysis of the court case following the charges:

In some ways, Wednesday's guilty verdict **further emboldened** Mr. Sharpton's cause. He and several co-defendants were quick to point out that while they were convicted, the detectives who fired at Mr. Bell's car were not.<sup>145</sup>

The 'pray-in' protests and their consequences are a climax in different ways. First, the initial warnings expressed by police critics on what could happen when injustice takes place have now happened: A failure of justice has led to civil disobedience. In this way, the protests are a climax of the blackmail rhetoric professed earlier by police critics: No justice, no peace. Second, the 'pray-in' protests can be seen as a climax of the (PR) strategy to emphasize the contrast between justice and injustice, further defining the rigid definition of justice. The 'pray-in' protests have a strong PR component. By urging protesters to have themselves arrested (without acting violently), the reverend creates a sharp contrast between victims (justice) and the police (injustice). Consequently, the notion that the judicial system

is failing, is reinforced by the ironic yet intentionally planned outcome of the protests, when Mr. Sharpton and his supportive protesters are charged and ultimately convicted for disorderly conduct. The police critics' strategy has a profound effect on the newspaper coverage, in which the contrasting images of justice (the protesters urging for justice) and injustice (protesters put in a police van) are merged into storytelling. The media in this way serve as a tool for police critics. As a final point, the protests display a climax in the police critics' resilience and fighting mentality. As Ms. Dukes points out: 'We believe deeply in what we are doing today'.

### **Summary**

This subsection has demonstrated how most police critics share a rigid notion of the desired outcome of the debate, captured in the label 'Justice for Sean Bell'. In turn, the label 'No justice, no peace' is characterized by a delimiting prerequisite for the debate to be resolved. So, whereas the 'rigid definition' of justice delineates the playing field in which negotiation can take place, the rigid and coalition-oriented characteristics of 'No justice, no peace' show the level of rigidity/harshness of these negotiations as well as the zeal to continue the fight.

The rigidity of both the outcome of debate and the negotiation space within the debate is intensified by the catalyst effect of these labels, which are to a certain extent part of Mr. Sharpton's communication/PR strategy and rhetoric. This rigidity, in turn, has a profound effect on the overall positioning of the police critics in the Sean Bell debate, which so far can be best described as uncompromising.

The framings discussed in the previous section to great extent affect this rigidity of the outcome and negotiation space: While the framing of police misconduct and racial injustice fuel the police critics' insistence that justice take place, the process-oriented framings of the civil rights movement and the systematic judicial and political failure stimulate the resilience, the feeling of prolonged suffering, and the distrust in the judicial system. The labels discussed in the first section also affect the rigidity in outcome and negotiation space, serving as a catalyst for 'us-versus-them' sentiments, and fuelling the emotional character of the battle for justice.

The rhetoric used by the police critics is highly emotional, while statements are often harshly formulated. The communication strategies seen so far include communicative blackmail and amplification, the latter serving both as a method to create a 'state of urgency' (the agenda-setting effect), and as a way to energize other police critics.

Time is an important factor in the battle for justice. The confidence and faith of the police critics are challenged throughout the aftermath of the shooting, resulting in a three-pronged climactic effect, including the 'evaporation of respect' for the judicial system, the amplification of the schism between justice and injustice, and the resilience to continue fighting. Place is of lesser importance: The fight for justice is communicated in all venues of communication.



Other elements discussed include the relationship between the rigid notion of justice and the rigid notion of ‘truth’, the vindictive elements of the language used, and the emotional reality through which police critics perceive the process of justice. All these aspects will be further scrutinized in the subsections ahead.

### **1.3.2 The delineation of reality: ‘Us-versus-them’ positioning**

The rigid definition of justice is part of a broader reality, formed by the labels ‘I am Sean Bell’, ‘We love Sean Bell’ and ‘50 shots’, while being a product of the discussed historical and organic framings. The analysis of the scope of reality is important for the argument of this research, as the extent of flexibility/rigidity of the reality held and presented by police critics has consequences for the pliability in debate and the search for common ground with the realities/positioning of other stakeholders.

This subsection scrutinizes the scope of this broader reality held and conveyed by police critics in a similar fashion to that as for the concept of justice, first by looking at the scope of the reality itself, then examining how the police critics’ notion is challenged by events that take place in the aftermath of the Sean Bell shooting, and finally, by examining what ‘us-versus-them’ — a key component of the reality held by police critics — stands for exactly.

#### **The rigidity of reality: A single version of the truth**

The venue in which the scope of reality is most clearly visible is in court. The rigid way that reality is presented in court rhetoric might not come as a surprise, as lawyers obviously support their clients to the fullest extent, and in their defense of clients generally refrain from communication that entails conciliatory word choice concerning the truth of what happened. However, when looking at the utterances of the lawyers representing the victims, family and witnesses, the way the ‘truth’ is presented can be typified as strikingly and persistently inflexible, as the following excerpts demonstrate:

#### ***After the funeral (December 2006)***

Mr. Rubenstein commenting on the existence of a fourth man:

“There **was no** fourth man in the car or next to the car.” Mr. Rubenstein said. “[Also, the police officer] **did not** identify himself either through a shield or a verbal command. **Period.**”<sup>146</sup>

Charlie King, the lawyer representing Sean Bell’s friends, speaking about eyewitness accounts:

“**Their eyewitness accounts flatly contradict critical assertions** within the police version of what took place.”<sup>147</sup>

#### ***In the period before the grand jury process (January 2007)***

Mr. Hardy speaking about Mr. Benefield and Mr. Guzman:

“They are crucial witnesses. [...] And that, obviously, will present a **very significant challenge** to whatever testimony is given by the officers who did the shooting, if any.”<sup>148</sup>

*During the grand jury process (February–March 2007)*

Mr. Hardy speaking to the press prior to Mr. Benefield and Mr. Guzman giving their testimonies:

“They will tell the **truth** as to what occurred.”<sup>149</sup>

Afterwards, he said that the witnesses

“told **exactly** what happened that night.”<sup>150</sup>

*During the trial (Spring 2008)*

A *New York Times* excerpt on the testimony of Detective Sanchez:

Detective Sanchez testified that moments before the shooting, he heard shouts but did not hear any of the words shouted and could not say whether anyone identified themselves as police officers.

[...] His testimony drew criticism outside the courtroom. Detective Sanchez has said he believed three men from inside and outside the Club Kalua, which undercover officers were investigating for drugs and prostitution, were armed. But he did not join his partner that night, Detective Isnora, who followed Mr. Bell and his friends away from the club, and instead held back to try to proposition a dancer and to watch out for two men who he thought were armed.

Outside the courtroom, Michael Hardy, a lawyer for Mr. Bell’s fiancée, said Detective Sanchez was not credible because he did not act the way a detective would act if he believed his partner was walking toward a possible gunfight.

“When you put it all together, **it’s not credible**,” Mr. Hardy said. “It’s not what an officer would do. You would want to be with your partner. It’s clear he was not concerned where his partner was going.”<sup>151</sup>

The highlighted words all indicate a persistent thought that there is only one version of what happened, and that any other version would be untruthful. While dogmatic assertions such as ‘was no’ and ‘did not’ show the delimitation of truth, emphatic vocabulary such as ‘period’ and ‘exactly’ highlight the insistence on this truth. Not only do the lawyers emphasize their own truth with rhetorical strategies, they also emasculate other versions by labeling them as ‘not credible’. Again, to a certain degree this can be expected from lawyers and the communication above hence can be characterized as judicial discourse. Still, the emphasis on ‘one single version of the truth’ does stand out.

Outside the courtroom, others similarly focus on ‘the truth’ while acting as a ‘legal expert’:

*Just after the funeral (December 2006)*

A *New York Times* excerpt on the rap song by New York rapper Papoose:

[In his rap song, Papoose] paraphrases the Police Department's Patrol Guide: "**The law states a cop is not permitted to shoot at a moving car.**" (That's true, unless the officer is responding to some "deadly physical force" besides the car itself.)<sup>152</sup>

*During the grand jury process (March 2007)*

Mr. Sharpton on the upcoming testimonies:

"We waited **through the winter** to be able to tell the **truth.**"<sup>153</sup>

An excerpt on Mr. Sharpton after hearing of a new witness:

Mr. Sharpton questioned yesterday if it was appropriate for the jurors to hear from a new witness once they had started deliberating.<sup>154</sup>

*During the trial (Spring 2008)*

Several excerpts on Mr. Sharpton:

After the testimony about the blood found on the Glock, the Rev. Al Sharpton, who attended the trial on Thursday morning in State Supreme Court in Queens, **speculated that it could have been blood splattered from the inside of the car**, which would suggest that Detective Isnora was standing closer than several feet away, as the police have indicated. "**That means they were right over them,**" Mr. Sharpton said. "This morning was stunning because that **totally flips** what they were saying."

[...] Mr. Sharpton and Michael Hardy, a lawyer representing Mr. Bell's fiancée, also said that in a picture of Detective Isnora taken that day, the police badge he wore pinned to his collar was difficult to see, **suggesting Mr. Bell did not see the badge.**<sup>155</sup>

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Sharpton said Mr. Bell had no idea that the first officer to fire, Detective Giscard F. Isnora, was a police officer: "If I'm 4 o'clock in the morning in a car and a man came up and said, 'Police!' **I would embrace him and say, 'Thank God, I thought you were a carjacker.'**"<sup>156</sup>

It is striking how Mr. Sharpton is applying the same techniques as the lawyers to present the same rigid notion of truth. By doing this, he seeks no common ground: The police are to blame for the incident. This blame, already manifest in the label '50 shots' and part of the broader framing of police misconduct and racial injustice, in itself is uncompromising, as the following statements show:

*Just after the shooting (November 2006)*

An excerpt on Mr. Sharpton, speaking at news conference at Jamaica Hospital Medical Center a day after the shooting:

Mr. Sharpton, standing with Ms. Paultre and other relatives and friends of the shooting victims, said he had been called in by Mr. Bell's family and had protested to the city "**that this stinks.**"<sup>157</sup>

The Rev. Herbert Daughtry speaking after a special meeting convened by Mayor Bloomberg:

“There were some heated exchanges,” said the Rev. Herbert Daughtry, an influential Pentecostal minister in Brooklyn. “We **all agree** that **there is a pattern of police abuse of power**, and this abuse of power ranges from police killing to police brutal behavior to disrespect. We reiterated that **over and over again**.”<sup>158</sup>

Leroy Gadsden of the local NAACP’s Jamaica branch, speaking at a news conference:

“**Every rule** in the book was violated in this case.”<sup>159</sup>

#### *At the funeral (December 2006)*

Two *New York Times* excerpts:

[People] like 48-year-old Dexter Grant, came despite no relationship with the slain man or his family. “Too bad he had to end up that way **due to the hands of the police**,” said Grant, who came out from the Bronx.<sup>160</sup>

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After the funeral ended and the hearse had driven off, a clutch of a few dozen people stood outside the church yelling things like, “50 bullets, 50 cops!”

Bishop Lester Williams, the pastor of the church, who presided over the funeral, asked one mourner, the rapper Mos Def, for help in dispersing the crowd.

Mos Def was reluctant, saying: “If **you’re young and you’re black the police are raised to treat you in a more hostile manner. They’re programmed to be hostile**.”<sup>161</sup>

#### *A protest sign used at marches*

“**Stop NYPD Racist Terror**”<sup>162</sup>

#### *After the indictments (March 2007)*

City Councilman Leroy Comrie, who represents the area where Mr. Bell died:

“It’s been pretty much a **clarion call** from all around the city that encounters with the police **are hostile**.”<sup>163</sup>

It is clear that each of the quoted police critics ‘blame’ the police for what happened on the evening of the shooting, as in line with the analysis of the label ‘50 shots’, and that they, in a broader sense, also blame the police for the police–community relations problems, which is in line with the discussed framings of police misconduct and racial injustice. More specifically, the police critics not only argue that Sean Bell died due to the hands of the police, they also argue that encounters with the police are hostile and that the police are ‘raised’ to be hostile against black youth, evidencing the transition from the historical and organic framings of misconduct and injustice to the current reality of the Sean Bell shooting.

More important in relation to the discussion of the scope of the police critics’ reality is that these statements show the level of rigidity of this blame factor: No other interpretations, perceptions and viewpoints are possible according to police critics, as evidenced by the use of dogmatic

assertions, as well as exclamations such as ‘clarion call’. No statistics are used in these instances to affirm the assumptions made. This rigidity of blame, in turn, fits within the overall reality defined by police critics.

It is also interesting to look at the broader solutions presented by the police critics to prevent future incidents, and the target group to which the solutions are directed. Do such solutions reflect a rigidly defined reality, or do they seek a compromise to cater for multiple realities? The following statements bring to light a new dimension to the notion of reality:

*In the period after the funeral (December 2006)*

Marilyn Barnes, president of the NAACP’s Jamaica branch, at a protest march:

**“We want to see significant changes in how the police treat residents in our community. [...] We live in one of the richest black communities in the nation, and we feel that we should not live in fear in our community.”**<sup>164</sup>

*Just before the grand jury process (January 2007)*

*New York Times* article on the special City Council meeting convened after the Sean Bell shooting:

City Council members questioned Commissioner Raymond W. Kelly yesterday for more than three hours on diversity in the Police Department, standards for undercover operations and perceptions of the police’s unequal treatment of black New Yorkers.

The questioning came at a hearing, the first in a series scheduled after the shooting of Sean Bell, an unarmed black man who was killed in Queens in a hail of police bullets on his wedding day in November.

**“There remains a problem with treatment of African Americans in this city,”** Councilman David Yassky said.<sup>165</sup>

*In between the indictments and the trial*

After a special presentation by civil rights advocates to police students organized by Police Commissioner Kelly:

In the news conference with Mr. Kelly, they **all** said that the police had things to learn in dealing with diverse racial, ethnic and religious groups across the city.

**“If they** learned to communicate better, we could avoid a lot of tension,” [hip-hop artist Wyclef] Jean said. In particular, he said, **officers should become more familiar with hip-hop slang and gestures**, which an uninitiated officer on the street might consider threatening.

[...] **“Too many officers show disrespect,”** Mr. [Calvin] Butts said. When asked to give a report-card grade, he said, **“I would give the police a C-plus, which means you can stay in class but you better get your grades up.”**<sup>166</sup>

Ms. Jones-Brown speaking about the Amadou Diallo and Sean Bell cases:

**“The police have a community relations problem.”**<sup>167</sup>

Mr. Sharpton and Mr. Rubenstein on the sobriety measures the NYPD took as a consequence of the shooting:

**“It is positive change, and it is a first step in the right direction.”**

[...] Mr. Sharpton said the call to test officers’ sobriety after shootings was a “rallying cry” among black religious leaders and elected officials when they met with Mr. Kelly and Mayor Michael R. Bloomberg at City Hall on Nov. 27 to calm frayed tempers after the Bell shooting. Still, Mr. Sharpton had concerns.

In the Bell shooting, the Breathalyzer could have been conducted by the cops in the shooting, or by those who responded to the shooting who may have been witnesses or implicated in the case,” Mr. Sharpton said. “But other than that, **it is a step in the right direction.**”<sup>168</sup>

### ***In the period after the acquittals (May 2008)***

An excerpt on Mr. Sharpton’s opinion about diversity in the NYPD:

A failure to address [diversity in the force], Mr. Sharpton said, “does rob the department in times of crises, like the Bell verdict aftermath, of having different voices that may be more grounded in the communities in question, that may have more understanding about different scenarios.”<sup>169</sup>

First, the quoted police critics solely blame the police for the broader police–community problems. More specifically, police critics are not saying ‘the police and the community have a problem’, but ‘the police have a community relations problem’. The police are consequently the ones who ‘have to get their grades up’ and implement ‘significant changes’. Hence the specific solutions in these quotes are solely directed towards the police: They should for instance ensure a diverse force, and should ‘become more familiar with hip-hop slang and gestures’. In other words, these police critics do not seek common ground in their solutions to improve police–community relations. Instead, these solutions are a ‘step in the right direction’, for the police.

### **Challenging reality: Victimization and denial**

Besides looking at the scope of the police critics’ own reality, it is also interesting to see how police critics react when this reality is challenged by other stakeholders. Put differently, how do police critics react to (felt) attacks from other stakeholders and how do they deal with (counter)-criticism that challenges their reality?

Such ‘tests’ take place for instance when the NYPD or the police defenders (specifically the detectives’ lawyers) provide counter-evidence or counter-arguments. Take for example Mr. Rubenstein’s response to a new witness who said that Sean Bell tried to shoot him about a year before he was killed by the police:

### ***Just before the indictments (March 2007)***

A *New York Times* excerpt:

[Anthony] Jeffers was arrested on Sunday after riding his bicycle on a sidewalk, and had outstanding summonses for charges of disorderly conduct and drinking in public, according to a law enforcement official. Mr. Jeffers told the police that Mr. Bell had shot him in a territorial dispute because they were selling drugs on the same corner, the official said.

Sanford Rubenstein, who represents Mr. Guzman and Mr. Benefield, called the report of last year's shooting "just another attempt to **dirty up** the victim."

"This story in the *Daily News* demonstrates that anyone who gets arrested for a crime can now say, 'Bell did it,' to try to get off. [...] Bell is dead. He can't speak for himself."<sup>170</sup>

Mr. Rubenstein's remarks deserve a closer look because they are representative of many rhetorical strategies used by critics in their reaction to criticism. First, by combining the words 'just another', 'dirty up' and 'victim' in the first sentence, the lawyer not only refers to the strategy of lawyers to take advantage of the victim's supposedly protected, yet sometimes precarious role in judicial court, he also zooms in on the consequential victimization. More specifically, he implies that (1) others are falsely slandering Sean Bell; (2) he now not only is the victim of the shooting, but also of such false accusations; (3) this happens all the time. The second sentence again refutes criticism by sully the sender's motives (anyone charged with a crime can do this), and underlines the sense of victimization (Bell can't speak for himself). To be more specific, in Rubenstein's description Sean Bell has become a 'victim' in all three senses of the word:

#### **Victim**

□ Noun

- 1** A person harmed, injured, or killed as a result of a crime, accident, and so forth. (*Sean Bell was shot*)
- 2** A person who has been tricked. (*In this specific case, by the witness claiming that he was shot by Bell*)
- 3** A person who has come to feel helpless and passive in the face of misfortune. (*Sean Bell can't speak for himself and is thus 'passive'*)<sup>171</sup>

On another occasion, Rubenstein similarly points out that the detectives' testimony on Mr. Bell and his friends pressing one of the dancers to have sex with them was:

"Another **myth** that is **being promulgated** along the same lines as the fourth-man myth."<sup>172</sup>

The word 'myth' reinforces the negative use of the word 'promulgated', suggesting that the police are using false propaganda as a harmful communication strategy. The word 'another' suggests that the police are employing this strategy on a continuous basis, and that the suggestion of a 'fourth man' is an example of this. The word myth not only contrasts with 'truth' but also with the broader notion of reality, further broadening the schism between their reality and the 'fictitious' accounts presented by police defenders. On this 'fourth-man myth', police critics are similarly suggesting that the police are using dishonorable methods to make a case, and thus victimizing the victims even further. The following excerpts exemplify this suggestion:

### ***Just after the shooting (November–December 2006)***

Mr. King responding to the investigation of a ‘fourth man’:

“It’s a **red herring**. [...] Was there a fourth person present at the time of the shooting? Yeah. There was a fourth person, a fifth person. There were more than four people. But other than the three people who were shot, these people were witnesses to the shooting.”<sup>173</sup>

Eboni Browning, Mr. Guzman’s fiancée on the existence of the ‘fourth man’:

“If he’s **bionic**, and he’s that good to get away from those bullets, I want to meet him, too.”<sup>174</sup>

The use of the expression ‘it’s a red herring’ suggests that Mr. King believes the police’s motives in finding a fourth man are questionable. The ironic remark of Ms. Browning reinforces this belief.

Also consider this *New York Times* excerpt, in which Mr. Rubenstein is criticizing the police for arresting Mr. Benefield, after he had allegedly hit his girlfriend:

### ***After the arrest of Trent Benefield (September 2007)***

A *New York Times* excerpt:

According to a criminal complaint, Trent Benefield, 24, began striking his girlfriend, Nyla Page-Walthrus, 19, during an argument on a street in Jamaica, Queens, around 9:30 p.m. Tuesday. Police said that plainclothes officers happened to be driving by, saw the altercation and arrested Mr. Benefield.

[...] The lawyer, Sanford Rubenstein, said Mr. Benefield was being unfairly targeted. “If **he wasn’t testifying in a high-profile case against the police, we would not be here today**,” Mr. Rubenstein said yesterday after his client was arraigned in Queens Criminal Court.<sup>175</sup>

By saying that Mr. Benefield is ‘unfairly targeted’, Mr. Rubenstein in fact implies that the police maintained dishonest motives in their arrest of Mr. Benefield. Mr. Rubenstein’s remark can be seen as a strategy to rebut arguments by sully the critics’ motives. The lawyer also maintains that Mr. Benefield is the victim of these dishonest motives: It wouldn’t have happened if Mr. Benefield was not testifying in a high-profile case against the police.

In their response to criticism from other stakeholders, the police critics’ feeling of victimization has a racial undertone, extending from the three people shot by the police, to the whole black community:

### ***After the arrest of Trent Benefield (late December 2006)***

A *New York Times* excerpt:

On Thursday night, the police raided a reputed gambling parlor on the second floor of a decrepit storefront building at 303 West 128th Street, near Frederick Douglass Boulevard, and found Mr. Benefield leaning on his crutches against a dice table. When asked about the crutches, he mentioned the car accident, one police official said.



The police said they gave Mr. Benefield and 35 other customers summonses accusing them of loitering for the purposes of gambling. Two of the parlor's managers were arrested and accused of possession of gambling receipts, the police said.

Usually, a summons, which is a violation like a traffic ticket, not a crime, would not result in an arrest. But Mr. Benefield was taken to the 32nd Precinct station house, the police said, because they discovered he had two warrants against him, a ticket alleging trespassing and one for the charge of drinking an alcoholic beverage from an open container.

[...] Mr. Benefield's lawyer, Michael Hardy, said the summonses against his client **were irrelevant to the investigation into the shooting of Mr. Bell.**

"Unless you're saying **being young and black** in New York City or having an occasional beer somehow makes you some **immoral person**, I mean it's **ridiculous**."<sup>176</sup>

Mr. Hardy makes the implicit suggestion in this quote that police defenders link the victim's race to immorality. He also uses a generalization, implying that this criticism extends to African Americans in general, and not just to Mr. Benefield. Mr. Hardy has also been quoted as saying that one of the defendant's attorneys, Mr. Ricco, is putting the "black community on trial."<sup>177</sup> This remark similarly reinforces the conception held by some that those defending police actions are unfairly using race as an argumentative strategy to hurt the victims, and the black community in general. In other words, the black community, which Mr. Hardy is part of, is 'victimized' — i.e. singled out for cruel or unjust treatment — by the police. Similarly, Mr. Bell's parents complained in the aftermath of the shooting about the "outright lies and falsehoods being spread about Sean Bell.": "They're wounding the family every time they do it, and they know they are," said Peter St. George Davis, a lawyer who is representing William and Valerie Bell.<sup>178</sup> Also of interest are the following two *New York Times* excerpts:

### *During the trial (Spring 2008)*

A courtroom scene:

Justice Arthur J. Cooperman is hearing the case without a jury, and on Tuesday he allowed Mr. Guzman to repeatedly make annoyed retorts — normally kept to a minimum before jurors — for example, asking, "**What does [sic] this got to do with you all shooting Sean Bell?**" when asked whether he had been flirting with a bartender that night. He drew enough grunts and "yes" remarks and laughter from the Bell family's supporters that Justice Cooperman had to demand silence twice.

[...] Mr. Ricco seemed to purposely rile the witness, finally suggesting that he was easily provoked and probably became as upset outside the club as he was in court. "You don't take stuff off of people," Mr. Ricco said.

Mr. Guzman said, "**You really don't know me.**" He said he would not have said anything about a gun that did not exist: "That's not a good bluff."<sup>179</sup>

Also of relevance is Mr. Bell's parents' response to Mr. Ricco's performance in court and specifically his remarks to 'seek the truth':

Mr. Bell's parents [...] said that they are fed up with Mr. Ricco's animated courtroom demeanor and his claims that he is seeking the truth.

**"Theatrics,"** William Bell, Mr. Bell's father, said outside the courtroom. "His client can walk around and survive. My son can't. I know he wants to get his client off, but he goes too far. There's no truth to what he's going to do. What's the truth? **To put my son down some more?** Maybe in his mind, he thinks that's the **truth**."<sup>180</sup>

William Bell on evidence presented by the defense lawyers:

**"Any excuse they try to come up with or whatever,** it's no good to me," he said. "I don't **want to hear it.** My son is dead. Let's talk about that."<sup>181</sup>

Mr. Guzman's statement shows how he does not want to understand the different reality presented by Mr. Ricco, and moreover, has doubts whether Mr. Ricco understands Mr. Guzman's own reality. Similarly, Mr. Bell further shields himself from Mr. Ricco's truth, by saying 'he does not want to hear it'. The only reality is that his son is dead. Interesting is also how Mr. Bell characterizes the lawyer's performance and specifically his quest for the truth as 'theatrics'. By doing this, he directly states that there is 'no truth' in what Ricco is saying, which in turn, leads to victimization ('put my son down some more').

This shielding from realities held by other stakeholders also comes to light in the interview held with Mr. Barron:

*Personal interview held with Charles Barron (October 2009)*

Michelle Knight:

"Do you have personal contact with Police Commissioner Kelly or with his spokesperson Paul Browne?"

Mr. Barron:

"Please ... Paul Browne is a wasted PR ... **a waste of my time,** because he is going to protect the police reflectively, it is a reflex action. They automatically protect the police and they automatically look out for number 1: *them*. They look out for themselves. Paul Browne is just a PR flunky for the commissioner. **Nothing I could say to Paul Browne.**"

Michelle Knight:

"Have you been communicating with Mr. Palladino?"

Mr. Barron:

**"In passing. I wouldn't even waste my time,** because he is a pathetic unrelenting defender of police brutality and killings and so is Patrick Lynch."<sup>182</sup>

By shutting down communication channels ('nothing I could say to Paul Browne') and by finding excuses for doing so ('a waste of my time', 'I wouldn't even waste my time') the councilman effectively shields himself from the reality presented by both the NYPD and by the police defenders.

This, of course, also gives insight into how the communication of other stakeholders is evaluated by the councilman, as will be further discussed in Part II, Chapter 7.

So far, the analysis of reality challenges has demonstrated how police critics hold a rigid definition of reality, while no common ground is sought with other stakeholders. Other realities, presented in the form of arguments or evidence, are simply dismissed: There is one truth, and other versions are fiction. The presentation of different realities furthermore leads to a sense of victimization, which can be seen both as a spontaneous effect and strategic PR discourse. As a spontaneous effect, the sense of victimization felt after criticism fits within the broader framing of victimization, racial inequality, skepticism towards the judicial/political system, and police profiling. The victimization is partly due to a self-righteous attitude: As there is no other reality, criticism of one's own reality is felt as a personal attack. The quoted police critics believe that no proper respect is given. From a strategic communication perspective, the victimization can be categorized as a way to refute criticism by use of emotions ('emotional blackmail'), as it suggests that criticism has negative consequences. The referral to the notion of victimization in this way can be seen as a way of (counter) attack. Other rhetorical strategies used include ridiculing, use of irony, deliberately shielding from another reality, and the questioning of the trustworthiness of the critic while suggesting the critics use unfair strategies, such as propaganda and lying in general. In turn, arguments are ignored or not properly addressed, and no true dialogue is initiated in the media.

### **From rigidly defined reality to an 'us-versus-them' positioning**

So far, this subsection has shown that the police critics' reality is rigidly defined and that, especially when challenged, its delimitation becomes apparent. The rigidity of reality involves a lack of understanding of other realities and exacerbates the schism between the 'us' reality and the 'them' reality. Put differently, the police critics' rigid definition of reality leads to an overall 'us-versus-them' positioning.

It is interesting for the argument of this research to take a closer look at the notion of 'us-versus-them'. What is the boundary between 'us' and 'them', and how rigidly defined is 'membership' to either group?

The 'us-versus-them' notion has been touched upon several times throughout the analysis of the utterances of police critics. While the notion itself is a product of the broader framings of police misconduct, racial injustice and the civil rights movement, the labels 'I am Sean Bell' and 'We love Sean Bell' further condense, magnify, and reiterate the images of racial identification, victimization, and racial 'us-versus-them' sentiments, especially set against the impersonal label '50 shots'.

By dissecting the expression, more information comes to light. To start with the 'us' part in 'us-versus-them', this component is perhaps best explained in the following quote:

*In the period before the grand jury process (January 2007)*

Playwright Mr. Baraka:

“**Any black person** that doesn’t wince from hearing that [the Sean Bell shooting] [...] is **completely alienated** from his **black persona**, or is already dead.”<sup>183</sup>

Besides fitting perfectly within the racial framing of racial inequality, and within the racial identification, emotion, and victimization condensed in both ‘Sean Bell’ labels, Mr. Baraka reveals some aspects of the ‘us-versus-them’ positioning. More specifically, in Mr. Baraka’s words, membership of the ‘us’ group is strongly delimited and should be rigidly enforced, as he is saying that it is both exclusive and morally obligatory to African Americans. The following excerpts also expose the exclusiveness of this membership:

*Just after the shooting (November 2006)*

A *New York Times* excerpt on a community meeting held with Police Commissioner Kelly and Mayor Bloomberg:

Robert A. U. Hogan, president of the residents association at the Baisley Park public housing project, noted the absence of young people at the meeting. “**No one in that room,” he said, “is going through what the young people are going through in this community.”**<sup>184</sup>

*At the funeral (December 2006)*

Mrs. Dorismond:

“**Nobody can understand that pain but me, Mrs. Diallo and the others.** When it was my turn, everybody came.”<sup>185</sup>

*Just after the indictments (March 2007)*

Ronald L. Kuby, a civil rights lawyer, analyzing the public’s perception of the police:

“As a general rule, depending on the borough, **white people tend to be more forgiving of police use of force against black people** [...] If the question is, ‘How many mistakes are you willing to forgive as long as this cop keeps you safe?’ the answer **usually** is, ‘**Whatever.**’”<sup>186</sup>

*During the trial following the pray-in protests (October 2008)*

Mr. Sharpton on his motive for the pray-in protests:

“I hope **the city would think about** how the pedestrians who couldn’t walk that day, and the drivers who couldn’t drive, were no different than the three young men who sat in the car that day and were shot at.”<sup>187</sup>

In these statements, the community, in particular those who have experienced police violence, are singled out in the ‘us’ component. Only they can feel and understand what this ‘us’ entails, and only they are the ones who feel the pain. More specifically, the latter excerpts lay bare how police critics have strong doubts as to whether the ‘them’ group really understands or cares, as they have not

experienced the pain, and therefore cannot feel it or understand it. Suffering and understanding distinguish the sensitive, emotional ‘us’ from the insensitive, depersonalized ‘them’. Mr. Sharpton’s remark is emblematic in this matter, as he sees the need to share the reality of the victims with the citizens of New York. Such incomprehension of other stakeholders is again interpreted from a broader historical framing, as the word ‘usually’ exemplifies.

The ‘them’ group is thus expected to act within the same ‘us-versus-them’ pattern of lack of understanding of the other group’s reality. Police critics consequently react with surprise to aberrations from these stipulated lines. Take for instance the following excerpt:

***In the period before the grand jury process (February 2007)***

A *New York Times* excerpt on the then newly appointed New York State’s attorney general:

It has been just a month since Andrew M. Cuomo became New York State’s attorney general. But in that short time he has worked to establish a relationship with one prominent New Yorker from whom many elected officials stay at arm’s length.

Mr. Cuomo has met three times with the Rev. Al Sharpton, on one occasion wading into the emotionally and racially charged case of Sean Bell, the black man killed by the police in a hail of bullets hours before his wedding. Mr. Cuomo met yesterday with Mr. Bell’s fiancée, in the second of two meetings that were the fruit of Mr. Sharpton’s efforts

[...] Even Mr. Sharpton acknowledges that Mr. Cuomo “**clearly is taking positions that I’m sure the law enforcement community might not embrace.**”<sup>188</sup>

The excerpt shows how Mr. Sharpton maintains that the law enforcement community is expected to act within a fixed pattern, and have a rigid concept of reality, just as the ‘us’ group does. The ‘them’ group is thus rigidly characterized, and is delimiting in other ways too:

***Just after the funeral (December 2006)***

An excerpt of Papoose’s rap:

Patrick Lynch is an **asshole**, he **siding with the cops**  
He said they **wasn’t wrong** for firin’ all ‘em shots.<sup>189</sup>

***During the ‘Shopping for justice’ protest march (December 2006)***

A *New York Times* excerpt:

The march ended at 34<sup>th</sup> Street and Seventh Avenue, outside Macy’s. There, Sonia Fatimah, 50, one of the marchers, yelled at a black officer. “**I hope they’re not profiling your son right now, Sergeant,**” she said.<sup>190</sup>

***Just after the acquittals (April 2008)***

A *New York Times* excerpt on community sentiments after the acquittals:

[...] even those who noted that two of the officers involved in the Bell shooting were black said their race was less important than their badges. **“Some would argue that these were not black cops,”** said Kaleem Musa Keita, 49, who was outside the courthouse in Queens when the verdict was announced. **“They’re black in color, but they didn’t represent their community. They were representing the police.”**<sup>191</sup>

The statements above show a rigid delineation of both the ‘us’ and ‘them’ groups. This delineation is in part racial but also based on support. Groups are consequently ‘pigeon-holed’ in either camp. The African-American detectives who shot Sean Bell are definitely ‘them’, although they are black. Such profiling is also done with others who don’t support the notion of justice as promoted by the police critics. Patrick Lynch, head of the PBA, is in the wrong camp, as he is ‘siding with the cops’. This profiling has a stigmatizing effect: While Ms. Fatimah expresses hope that the Sergeant’s son is not being profiled, she is in fact the one profiling the Sergeant.

Yet the positioning towards the ‘them’ group is also distant and impersonal. There is a stringent boundary between ‘us’ and ‘them’, and what’s beyond the boundary is unknown. As a relative of Sean Bell said in anticipation of looking the implicated detectives in the eye in court: “We’ll get a chance to see them up close and personal.”<sup>192</sup> In other words, what is beyond the boundary is still a mystery to some police critics.

As a final point, both the previously described sense of ‘victimization’ and the mistrust of the judiciary are delimiting along the racial ‘us-versus-them’ lines. Take for example the following statements:

#### ***Just after the indictments (March 2007)***

Bishop Erskine Williams’ response to the indictments:

**“We were pretty much of the opinion that the cops pretty much had their way. Whatever they said went.”**<sup>193</sup>

#### ***Just after the acquittals (April 2008)***

Mr. Hardy responding to the acquittals:

**“We got the door slammed in our faces is how a lot of people feel. [...] It tells you that no matter what, because of who you are and the community you come from, you will get nothing.”**<sup>194</sup>

Just like the ‘fatalistic’ judicial pessimism and the notion of victimization, this overall fatalistic ‘us-versus-them’ positioning can be seen as both spontaneous discourse and as strategic communication discourse purposed to amplify the wrongdoings of the ‘them’ group against the victimized ‘us’ group.

#### **Summary**

This subsection has demonstrated how the police critics’ rigid definition of reality only accommodates a single version of the truth of the incident itself and the broader patterns of police misconduct and

racial injustice. The police critics' reality comprises a rigidly defined 'blame factor' in which criticism and solutions presented are one-sidedly directed at the police. When this rigidly defined reality is challenged by criticism or counter-evidence, feelings of (racial) victimization and denial are exacerbated.

In turn, the police critics' rigid definition of reality leads to an overall 'us-versus-them' positioning, in which the 'us' and 'them' components are rigidly characterized by anticipated behavioral patterns and delimited by level of support, race, moral obligation and ability or inability to feel the suffering. The mistrust of the judiciary extends to an overall pessimistic reality concerning the level of understanding and caring of the 'them' group.

On a rhetorical level, the rigidly defined 'us-versus-them' reality is conveyed and defended by use of dogmatic assertions, emphatic, emotional and harsh vocabulary, and strategies such as stereotyping/profiling, self-victimization, ridiculing, use of irony, the deliberate shielding from another reality, and the questioning of the trustworthiness of stakeholders that criticize them, while suggesting that these stakeholders use unfair strategies, such as propaganda and lying in general.

### **1.3.3 The driving force of response and the filter of debate: Emotion**

It is interesting to take a closer look at the driving force of response and how different developments are filtered, as such analysis can provide insight into the dynamics of debate. The discussed statements have already provided some insight into this. One of the most pronounced characteristics of the perceptions and framings is 'emotion'. Not only do the labels 'I am Sean Bell' and 'We love Sean Bell' emit emotion, the rhetoric used to explain the broader framings also contains emotional elements. Moreover, the battle for justice, the 'us-versus-them' feelings and positioning and the notion of victimization are all emotionally charged. Emotions are especially entrenched in the long impassioned rollercoaster police critics experience when fighting for justice.

On a broader note, the entire reality of the police critics appears to be viewed through an emotional filter, while this emotion is simultaneously used as a departure point and driving force in the positioning within this reality. This subsection looks more closely at both assertions.

#### **Building tensions: Emotions as a starting point**

A way of examining the elusive notion of emotion is by looking at how the community responded to the initial news of the shooting, and to other milestones that took place in the aftermath. Such analysis could give more insight into whether emotion is the police critics' departure point from which they start discussions, as well as the driving force behind the discussions.

Starting just after the shooting and continuing throughout its prolonged aftermath, community leaders have expressed their concern about growing tensions in the communities. Such concerns peaked after critical moments in this aftermath when the rigidly defined notion of justice was not

served, i.e. just after the acquittals and at the very beginning, when the criminal investigations were proceeding too slowly for critics. Police critics expressed their concerns to the press, like-minded stakeholders, and directly to the mayor and the police commissioner:

*At a meeting convened by Mayor Bloomberg at city hall, just after the shooting (November 2006)*

An excerpt on Bishop Lester Williams:

Saying there was a ‘**grave crisis**’ of confidence in his southeast Queens community, Bishop Lester Williams, who was to have performed Mr. Bell’s wedding, said there had been **no improvement in police–community relations since the height of tensions under Mayor Giuliani.**<sup>195</sup>

An excerpt on the Rev. Herbert Daughtry:

Mr. Daughtry warned the mayor not to confuse patience with complacency. “There is a **temperature** in our communities that is rising, and the **tension** is intensifying,” he said. “While we don’t want to try to ignite anything, we’d be blind to overlook what’s happening and not to sound the alarm.”<sup>196</sup>

*At another community meeting, just after the shooting (November 2006):*

Irene Marcelle, a retired school counselor:

“Underneath, **we’re not calm.**”<sup>197</sup>

*Just after the funeral (December 2006)*

Bishop Erskine Williams:

“My role is to try to keep things at **an even keel.** [...] But at some point they’re going to say, ‘Rev, what side are you on?’” he added, referring to residents who are angry about how the police investigation is unfolding. “On a scale of 1 to 10, the distrust was a 7. Now it’s a **10-and-a-half.**”<sup>198</sup>

An excerpt from Papoose’s rap:

**Make the whole hood feel sad, it’s sadness  
But we feel mad — it’s madness.**<sup>199</sup>

*Just before the indictments (March 2007)*

An excerpt on how Bishop Lester Williams is anticipating the grand jury decision, and what it could do to community sentiments:

Bishop Lester Williams, who was to officiate at Mr. Bell’s wedding on the day he was shot but instead later presided over his funeral, said neighborhoods in southeast Queens were “**not as calm** as people have led them to believe.”<sup>200</sup>

*Just after the indictments (March 2007)*

Former City Councilman Archie Spigner:

“There has been **a lot of tension.**”<sup>201</sup>



### *In between the indictments and the trial*

Leo Gadsden, the Jamaica NAACP's police liaison, after sensing improvement in police–community relations:

“This was a **powder keg**.”<sup>202</sup>

In the statements above, speakers express their concern for the intense community feelings on the shooting of Sean Bell. By doing so, the community leaders focus on emotion over reason. This emotional emphasis is emblematic for all the discourse analyzed so far: Although ‘reason’ is a factor in other language used by stakeholders, emotion still has the upper hand.

The emotion has a particular function in these specific excerpts: It serves as a starting position from which debates are being held. Conversely, emotion can also be seen as the endpoint and product of the historical pattern of racial inequality that has led to emotions such as frustration and anger.

What is also interesting is how the community leaders position themselves. They see themselves as a reliable gauge and voice tube for community feelings, possessing the ability to accurately measure ‘temperatures’ in the community and thus knowing better than others that neighborhoods are ‘not as calm as people have led them to believe.’ These ‘temperatures’ show the ‘us’ community sentiments, felt by the entire group.

The vocabulary itself is emotionally charged. The words and word combinations used to express this concern can be characterized as fervent and coercive. Speakers use aggravating words and word combinations such as ‘grave’ and ‘a lot of’ in combination with references to gauge measurements (‘temperature is rising’, ‘now it’s a 10-and-a-half’) and the explosiveness of the situation (‘powder keg’) to make their point. A certain threat emanates from the character of these statements and the applied coercive vocabulary: If authorities do not act appropriately and immediately, then the balance Bishop Erskine Williams is talking about (‘an even keel’), could flip negatively, as the gauge has reached its climax (‘10-and-a-half’). The word ‘tension’, in this sense, could refer to an early signal of violence to take place, further aggravating the coercive statements. The focus on tension is thus not just a spontaneous rhetorical strategy; it also becomes a political communication tool to pressurize authorities, similar to the previously discussed blackmail strategy.

Besides speaking about the emotions of others, police critics also convey their own emotions on the Sean Bell shooting:

### *Just after the shooting (November 2006)*

An excerpt on one of the protests:

When Thomas White Jr., a councilman who represents the 28th District in Jamaica, said “We are not going to be angry,” the crowd roared back: “**Oh, yes we are!**”<sup>203</sup>

*At the funeral (December 2006)*

A *New York Times* excerpt:

“I’m a law-abiding person,” one woman said to friends. “I love peace, but I’m tired. **I’m sick of peace.**”<sup>204</sup>

*Personal interview held with Charles Barron (October 2009)*

Mr. Barron speaking in retrospect on his response to the shooting:

“I’ve been at this for **30 years**. Do you know how many times I went to rallies and say ‘We need justice, pack the courts’. Do you know how many times I did that? Eleanor Bumpers, Michael Stuart, **I mean I can list 50 cases for you, where I got up and said ‘we got to take it to the court, we got to pack the courts, we got to demonstrate, we want justice.’ So now, on my thousandth case I had enough.** [sic]”<sup>205</sup>

These statements show how the emotional starting point is the product of the interpretative framings held by police critics. Mr. Barron’s quote in particular shows how the long battle of the civil rights movement (‘I’ve been at this for 30 years’) against police misconduct, racial injustice, and systematic judicial and political failures (‘I mean I can list 50 cases for you, where I got up and said “we got to take it to the court, we got to pack the courts, we got to demonstrate, we want justice”’) has left him angry, emotional, and distrustful (‘So now, on my thousandth case I had enough. [sic]’)

**Emotion-based assessment**

Not only is the starting point of debate emotional, police critics also assess each new moment in the aftermath from an emotional stance. The following excerpts expose the role emotion plays in important moments in the shooting’s aftermath:

*Just after shooting (December 2006)*

Mr. Sharpton’s initial reaction to the shooting:

“This is a **shocking case**,” he said at an afternoon news conference outside Mary Immaculate Hospital, his second of the day in the case. He was flanked by relatives and friends of the victims, most of them somber and some sobbing.<sup>206</sup>

Mr. Sharpton on Police Commissioner Kelly’s role:

“Ray Kelly’s word is seen as good in a lot of our community, but now his word is on trial,” Mr. Sharpton said. “He has to come up with more definitive answers about why this young man was shot and killed in Queens. I think this is the greatest challenge of his career. It could result in Ray Kelly **having a halo around his head, or the undoing of a very popular image.**”<sup>207</sup>

*Just before the indictments (March 2007)*

Bishop Lester Williams, referring to Sean Bell’s mother:

“**Let’s say there’s no indictment. That boy dies again to her.**”<sup>208</sup>

### *Just after the indictments (March 2007)*

*New York Times* passage describing Bishop Erskine Williams' response to the indictments:

After a week of mounting tension in southeast Queens, the news that three officers would face criminal charges in the shooting of Sean Bell came as a relief to Bishop Erskine Williams. He heard it on television yesterday afternoon **and could not stop smiling**.

"I think **the fever's breaking**," Bishop Williams said. "People will **be more at ease** now."<sup>209</sup>

### *In between the indictments and the trial*

Ms. Jones-Brown speaking about the question of whether or not Kenneth Boss, one of the police officers involved in the Amadou Diallo shooting, should get his gun back (May 2007):

Delores Jones-Brown, a former prosecutor in New York City and interim director of the Center on Race, Crime and Justice at John Jay College of Criminal Justice, said feelings in minority communities were still too **raw** from the Bell shooting. "By no fault of his own, I don't think it would be good for anyone, even him, if he were to get his gun back," Ms. Jones-Brown said.<sup>210</sup>

### *Just after the acquittals (April 2008)*

Nicole Paultre Bell speaking at a meeting at the National Action Network's headquarters in Harlem:

"April 25, 2008, **they killed Sean all over again**."<sup>211</sup>

Mr. Sharpton on Police Commissioner Kelly's role:

"I think that **the verdict does not help him**, particularly in the African-American and Latino communities, because he is the face of policing. [...] **How he handles it**, whether the officers are terminated or disciplined in the future, and how he handles the civil disobedience we are going to start in the next couple of weeks **could make it worse or could make it better**."<sup>212</sup>

Mr. Dadey, executive director of Citizens Union, on Police Commissioner Kelly's role:

"**All eyes** are on him now to **appropriately** discipline the officers **in a way** that gives the **public** some level of **confidence and solace**."<sup>213</sup>

A *New York Times* excerpt:

"That was his time to be a cowboy," said David Jones, 49, a limousine driver who was walking by the memorial on Thursday with his fiancée, Nicole Hodges. "I think it's repulsive. **It's demeaning to African Americans and their community**."<sup>214</sup>

The excerpts above show how emotion plays a dominant role in the way that police critics assess and respond to new developments in the aftermath of the shooting, and how they formulate arguments in their response. Although some statements are more emphatic than others, an emotional element is embedded in all of them.

From the outset, the reaction was emotional: The shooting is 'demeaning to African Americans and their community'. Police critics thus feel the shooting itself as a personal blow. The reactions that follow are quite similar. For example, after the indictments community leaders again

focus on the emotion and intense pain felt by the community: They are ‘relieved’, and the ‘fever is breaking’. Phrased differently, their response is driven by an emotionally charged reality. The images used to conceptualize these feelings are again strong (for instance the reference to a ‘fever’).

The two most emphatic statements are made by Bishop Williams and by Nicole Paultre Bell, about ‘Sean Bell dying again’. The referrals are strongly related to the emotionally charged label ‘We love Sean Bell’. Although Ms. Jones-Brown expresses herself in a less emphatic way, she similarly assesses new developments from an emotional perspective, focusing on emotion over reason in her argumentation: Kenneth Boss should not be given his gun back because feelings are still raw after the Sean Bell shooting. Mr. Sharpton and Mr. Dadey also use emotion (in this case the feelings towards Police Commissioner Kelly) as an argument.

As also witnessed in previous excerpts, these statements can be seen as spontaneous discourse, but also as a way to press for the desired outcome of debate by using emotion. If justice is not served, ‘Sean Bell dies again’, or put differently: ‘We will suffer tremendously’.

### **Summary**

This subsection has demonstrated how the transition of framing to current debate is characterized by emotion. Such emotion is the driving force of response, but also functions as a filter: Each new development is assessed from an emotional perspective. This filter, in turn, is related to the ‘us-versus-them’ perceptions and positioning, in which the shooting itself as well as the criticism that follows are seen as personal blows. The emotions of community members are also fueled by the passionate oratory and powerful ‘Sean Bell’ labels uttered and perpetuated by Mr. Sharpton and other community leaders. Emotion can be seen both as part of a spontaneous response to developments and also as a strategy to secure the desired outcome of debate.

The use of emotion is pervasive throughout the communication exercised by the police critics and can be found in all venues of debate. This pervasiveness and the multitude of different functions of emotion indicate that the entire reality of the police critics is emotionally charged.

### **1.3.4 The character of communication: ‘We can be angry without being mad’**

So far, this section has examined the police critics’ position in the debate by scrutinizing the scope of debate and reality, and the driving force of response. Another way of exploring the police critics’ positioning is by looking at the communication strategies used in the interaction with other stakeholders, in particular opponents, in the debate. The character of such strategies can lay bare the degree of harshness of the police critics’ communication in the debate ensuing the shooting.

Some of these strategies have been discussed already, as they are initiated to convey perceptions, framings, and the delineation of both debate and reality. Without reiterating previous

observations, this subsection looks at the overall character of the communication strategies, while delving deeper into some of the more pervasive strategies used.

Before looking at the police critics' rhetorical strategies, it is interesting to examine more broadly other methods used in the aftermath of the Sean Bell shooting. As has been demonstrated in the historical part of this research, the display of violent behavior (such as riots), or incitements to violence/aggression have been used in the past as a strategy to influence public debates on police problems. However, the aftermath of the Sean Bell shooting is not characterized by violence, as discussed below.

### **A non-violent approach**

The notion of violence has played a very minor role in the debate: Along the line there was barely any violence or language inciting physical aggression. In fact, from the outset, the Rev. Al Sharpton and other community leaders strongly opposed physical aggression in their statements:

#### ***Just after the shooting (November 2006)***

Mr. Sharpton:

“We appeal to people: Don’t do anything disruptive or in any way contrary to the memory of Sean Bell. [...] We do not want the world to see him as anything other than what he was. He was not violent. He was not a thug. He was not in the street. **Don’t use your anger to distort who he was.**”<sup>215</sup>

Mr. Sharpton’s statement comprises different rhetorical layers. On a superficial level, the reverend is saying that protesters or other police critics should not be violent. He links this peaceful approach to the character of Sean Bell, stating that violence would ‘distort who he was’. At a deeper level, Mr. Sharpton combines different images to create a powerful rhetorical mix. By blending the image of ‘Sean as a good kid’ — manifested in the label ‘Sean Bell’ — with both the ‘personal identification’ and ‘the need to spread a legacy’ — manifested in the label ‘I am Sean Bell’ — Sharpton’s non-violent approach is intensified, and moreover, the image of innocence relating to both Sean and the community is strengthened.

The previously discussed excerpts from Mr. Sharpton’s funeral speech are also important, in which he argues that protests and criticism should be non-violent, but not necessarily quiet.<sup>216</sup> The disassociation from violence is thus a deliberate choice of Mr. Sharpton and the group of people supporting him. The organizational set-up of the different non-violent ‘pray-in’ protests confirms this. Moreover, Mr. Sharpton has pointed out his non-violent intent on several other occasions:

#### ***Just after the acquittals (April 2008)***

A *New York Times* excerpt:

[...] Mr. Sharpton and other activists, politicians and community leaders **praised** the overall **peaceful response** that followed the verdict, but vowed to fight the judge's decision in strategic rather than bellicose ways.<sup>217</sup>

Mr. Sharpton:

“Some in the media seemed disappointed; they wanted us to play into the hoodlum, thug stereotypes. [...] **We can be angry without being mad.**”<sup>218</sup>

With the latter remark, Mr. Sharpton not only emphasizes that he does not want to be associated with violent protests, he also speaks for the whole black community by using ‘we’ and ‘us’. In addition, he indirectly prides himself and the community for not acting in ‘hoodlum’ stereotypical ways, while indirectly criticizing ‘some in the media’ for using such stereotypes. ‘Being angry without being mad’ in fact can be characterized as the rhetorical energizer that has enticed many protesters to march on numerous occasions to express their anger about the Sean Bell shooting.

Statements made by protesters and other police critics literally reflect Mr. Sharpton’s plea:

***On the day of the funeral (December 2006)***

“Please, let’s respect this day, and don’t cause **no problems**,” said Denise Ford, the mother of shooting victim Trent Benefield. “We don’t need **no more trouble**.”

[Yolanda] Guzman echoed Ford’s call for calm. “I don’t want **no violence**,” she said. “It’s not worth it.”<sup>219</sup>

***Just after the acquittals (April 2008)***

An excerpt on the community’s response to the shooting:

Saturday morning, Norma Wait was inside the Arising Barber Shop in Jamaica, talking about the change over the years.

“I must give it to the younger generation,” said Ms. Wait, 62, a bank worker originally from Belize who lives in South Jamaica. “They got a more **level head**. They know you don’t get justice by breaking windows and burning and looting. You **get justice by presenting yourself, demonstrating, calling on the politicians.**”<sup>220</sup>

An excerpt on one of the protests held:

[...] Nkrumah Pierre, a banker who lives on Long Island and who marched in the protest on Sunday, said: “We’ve progressed to the point where we don’t need to act out in **violence**. This is an **intelligent** protest, and a **strategic** protest.”<sup>221</sup>

While police critics distance themselves from violence, they associate their way of protest with calmness, sensibility, intelligence and strategy. Only then can justice be achieved.

This peaceful attitude and approach is thus pervasive throughout the discourse exercised during the aftermath of the shooting. Of course, there were some instances of violence as well as calls for violence. One of the most discussed statements in this category was made by City Councilman Charles Barron:

### ***Just after the shooting (November 2006)***

Mr. Barron suggesting what will happen if the city does not respond to the Sean Bell case:

“I am fed up. **I’m not asking my people to do anything passive anymore.** We're going to sit here and we're going to go in there, we're gonna pray, we're gonna march, we're going to do all of that stuff and then we are going to sit down and if they don't respond to none of that, don't ask us to ask **our people to be peaceful** while they are being murdered. **We’re not the only ones that can bleed.**”<sup>222</sup>

With this indirect plea for violence, filled with harsh and uncompromising vocabulary, Mr. Barron does not shun the use of harsh rhetorical strategies to gain advantage in the Sean Bell debate. His controversial words were vehemently discussed in different media. Other instances of harsh rhetoric include:

### ***On the day of the funeral (December 2006)***

A *New York Times* excerpt:

The **one bit of** civil disobedience last night came as a man, Donald Murray, marched down the middle of Merrick Boulevard, stopping traffic with a sign that read, “**Either We Strike or Riot or Kill.**”<sup>223</sup>

### ***Protest chants used at different protest marches***

“Death to Pigs.”<sup>224</sup>

“50 bullets, 50 cops!”<sup>225</sup>

“Off the pigs who kill our kids.”<sup>226</sup>

“50 shots for 50 cops.”<sup>227</sup>

“Today’s pigs, tomorrow’s bacon!”<sup>228</sup>

The quotes above clearly advocate violence, even more than Mr. Barron’s statement does. Just like Mr. Barron, the police critics who uttered these statements do not shy away from harsh strategies to attack the police. Yet such controversial pleas were scarce. Mr. Murray’s remark is considered ‘the one bit of civil disobedience’ that night. The chants are more pervasive in the selected sources, as they were used during many protests throughout the aftermath of the shooting. Yet the *New York Times* attributes them in most instances to members of the New Black Panthers, who are not considered a mainstream group. The impact of such statements is thus questionable, as they are not endorsed by Mr. Sharpton or other mainstream critics:

### ***Just after the acquittals (April 2008)***

A *New York Times* excerpt:

Hours later, outside Mr. Sharpton's headquarters in Harlem, three young black men staged a protest, one of them dressed as a Klansman with 'NYPD' written on the sheet draped over his head. Members of Mr. Sharpton's organization asked the men to leave, saying, "**We don't need this.**" But the men refused to go, and there was arguing for 10 minutes until they finally left.<sup>229</sup>

In this example, the representatives from the National Action Network clearly distance themselves from those unmistakably attacking the police and proposing violence. The example demonstrates how (instigations to) violent behavior may be used or conveyed by more radical groups, but shunned by mainstream critics.

### **Confrontational and harsh rhetoric**

While Mr. Sharpton's plea to 'be angry without being mad' opposes physical violence, it seems to legitimize a wide array of harsh strategies to verbally attack and criticize other stakeholders, in particular the NYPD and the detectives involved in the shooting:

#### ***At the funeral (December 2006)***

A *New York Times* excerpt:

[People] like 48-year-old Dexter Grant, came despite no relationship with the slain man or his family. "Too bad he had to end up that way **due to the hands of** the police," said Grant, who came out from the Bronx.<sup>230</sup>

#### ***Just after the funeral (December 2006)***

Two excerpts from Papoose's rap:

Mike Oliver said his gun jammed, he the **main one**  
12 year veteran **and don't know how to use a gun**, think we dumb?

[...] Patrick Lynch is an **asshole**, he siding with the cops  
He said they **wasn't wrong** for firin' all 'em shots.<sup>231</sup>

#### ***At a New Black Panther protest march (December 2006)***

An exclamation from a protester:

"Back up, **Hitler**, this is not the NAACP."<sup>232</sup>

#### ***Immediately after indictments (March 2007)***

An excerpt on the situation outside of the courthouse:

The police removed the barricades in front of the courthouse, and the last demonstrators packed up and went home. Behind them, a handmade sign fluttered on a tree. "Detective Cooper," it read. "**You took a father and a husband.**"<sup>233</sup>

#### ***After NYPD sobriety test proposal (June 2007)***

Ms. Paultre Bell:



“We will never know, I will never know, no one will ever know, **if the people who did this were intoxicated.**”<sup>234</sup>

*During the trial (Spring 2008)*

While pointing at him, Mr. Guzman addressed Detective Isnora as:

“**this kid here.**”<sup>235</sup>

Outside the courthouse William Bell said about the number of bullet holes in the clothes:

“What are **they** trying to do?” he said. “**Destroy their bodies?**”<sup>236</sup>

*After acquittals (April 2008)*

A *New York Times* excerpt:

“**That was his time to be a cowboy,**” said David Jones, 49, a limousine driver who was walking by the memorial on Thursday with his fiancée, Nicole Hodges. “**I think it’s repulsive.** It’s demeaning to African Americans and their community.”<sup>237</sup>

These statements give insight into both the rigidity of reality and the harsh and confrontational communication strategies used. First, the discourse again shows that, according to police critics, the police are solely culpable for the Sean Bell shooting, as discussed in Subsections 1.1.1 and 1.3.2. Second, in defining this reality, confrontational, derogatory and emotional strategies are used: The rhetoric is not only harsh, it is also very personal. The detectives are individually attacked for their wrongdoing, while those supporting the police are likewise condemned. Not all statements are personal; yet while ‘the people who did this’ and ‘they’ do not refer to specific names, the suggestion is clear. Moreover, they underline the anger of the speakers as well as the perceived reality that the police are solely to blame. In addition, the rhetoric is full of allegations, name-calling, and other verbal abuses.

This aggressive condemnation can be seen as a product of the police critics’ rigidly defined reality and in particular its inherent ‘us-versus-them’ sentiments.

**Vengeance**

A distinctive element within the confrontational, harsh communication displayed by the victims, Mr. Sharpton, and those associated with them, is a desire for vengeance. This notion of vengeance fits within the broader notion of ‘justice must be served’, and within the ‘us-versus-them’ positioning. Indications of this notion can be found throughout the aftermath of the shooting and within the different venues of communication. Take for example the following statement made by Bishop Lester Williams, who was to officiate at the wedding of Sean Bell on the day he was shot:

*Just after the indictments (March 2007)*

Mr. Williams:

“As long as I know that **somebody got something**, I can live with that. [...] I have some degree of relief.”<sup>238</sup>

With this remark, Mr. Williams is saying that his need for justice has temporarily been satisfied (he has ‘some degree of relief’) because the officers got indicted, but it will only be permanently satisfied (‘as long as’) the officers are criminally convicted (‘somebody got something’). Not only is the statement itself a clear example of a desire for vengeance, the choice of words that make up the sentence can be related to this desire. The use of the non-individuating countable nouns ‘somebody’ and ‘something’, which both have an anonymous connotation, show an indifference towards the detectives and the type of punishment. Consequently, in Mr. Williams’ reality the detectives become depersonalized beings — underlining an ‘us-versus-them’ mentality — while punishment itself becomes more important than what that punishment should entail. The word ‘get’ for that matter is used in a negative way: to experience, suffer, or be afflicted with (something bad).<sup>239</sup> Similarly, Hazel N. Dukes, president of the New York State Conference of NAACP Branches said:

*Just after the indictments (March 2007)*

Ms. Dukes:

“**Manslaughter is not good enough** because **we’ve seen people walk on that**.”<sup>240</sup>

Although Ms. Dukes is more specific about the type of punishment (‘manslaughter is not good enough’), she still puts punishment itself in first place: She wants to ensure that the detectives get convicted, and don’t ‘walk on that’. Like Mr. Williams, she rigidly defines the prerequisites for her need for justice to be satisfied. Any outcome other than a guilty verdict is ‘not good enough’. Again, the words chosen by Ms. Dukes to make her statement show signs of vengeance. The ‘intimate’ pronoun ‘we’ is set against the ‘anonymous’ plural noun ‘people’, accentuating an ‘us-versus-them’ feeling. The informal choice of words disguises retribution.

Also relevant in this matter is the *New York Times*’ depiction of feelings in Bell’s community:

*Just after the indictments (March 2007)*

A *New York Times* excerpt:

At the Baisley Park Houses, where many of Mr. Bell’s friends live, people were **drinking Champagne out of plastic cups**. As Friday afternoon progressed into evening, the mood at Baisley Park went from relief to **exuberance**. An empty bottle of **Moet Champagne** was set beside the Bible. People ignored the wind and sleet, **toasting** one another. Nisha Greaves, 18, shook her head and said only, “**I’m happy. I’m happy.**” Darren Goodman stood near the tribute wall, thinking about how Mr. Bell died.<sup>241</sup>

The elated feeling of exuberance, the toasting to champagne, and the repetition of ‘I’m happy. I’m happy’ all highlight a triumphant, victorious, and intimate feeling of ‘we’ have won from ‘them’. The

*New York Times*' depiction shows resemblance to the English saying the 'victory is ours'. Vengeance, in their perception, has temporarily taken place.

This exuberant feeling was ostensibly not shared by Mr. Sharpton, who concurrently held a news conference, an excerpt from which is set out below. Also included are two other excerpts that show signs of vengeance:

### ***Just after the indictments (March 2007)***

A *New York Times* excerpt:

[...] in Harlem, the Rev. Al Sharpton looked drained and somber as he stood beside Mr. Bell's fiancée, Nicole Paultre Bell, at his Harlem headquarters, minutes after the three indictments became public. The charges are no cause for celebration, he said.

"It is with **no** pleasure that we would see **their families** sitting in a courtroom," Mr. Sharpton said. "It is with **no joy** that we would see them having to do a **perp walk**. **They** will never feel the **humiliation** of a woman waiting for her wedding, and her husband not being there because he was taken in a hail of bullets."

"There is **no joy**," he added. "There is **no vengeance**. There is **no party** here."<sup>242</sup>

In a different article on the same news conference:

"There is **no** victory here," Mr. Sharpton said of the arraignment. "But we hope we can get **justice**. Now it's time for at least these three to **pay** for what they did on Nov. 25, 2006."<sup>243</sup>

After speaking with Mr. Brown, Mr. Sharpton said that he was hoping for:

"an **aggressive** prosecution, with **no** plea-bargaining or harassment of witnesses."<sup>244</sup>

### ***After the acquittals (April 2008)***

More than a year later, Mr. Sharpton similarly said:

"[...] this city is going to **deal** with **the blood of Sean Bell**."<sup>245</sup>

While Mr. Sharpton's first statement seems to indicate that the reverend does not want vengeance ('there is no vengeance'), the words and word combinations that constitute the statement do have vindictive connotations. First, the word combination 'to pay for' in this case means 'to suffer a loss or misfortune as a consequence of an action'.<sup>246</sup> In other words, the detectives need to suffer, because they caused suffering themselves — in this specific statement the humiliation of Ms. Bell. By focusing on the caused humiliation and the blood that was shed, his words show resemblances to an honor/blood vendetta, in which those who have brought blood and shame on others should be avenged. In order to get revenge, a confrontational approach ('aggressive prosecution') should be chosen. The impersonal denominators 'they', 'them' and 'these three' further emphasize the 'us-versus-them' sentiments. The use of the derogatory colloquialism 'perp walk' — the police practice of putting criminals on public display for publicity purposes — further underlines these sentiments. The

frequent repetition of the negative determiner ‘no’ in combination with words that signify vindictive sentiments, have a converse effect, highlighting the vindictive sentiments over the negative determiner. In contrast to the joyous feelings felt by the people congregating at Baisley Park, Sharpton’s words display a bitterer variant of vengeance.

This bitterness is shared by the victims, who have said that the detectives have to “pay a price.”<sup>247</sup> In the courtroom Mr. Guzman has furthermore displayed several signs of vengeance and bitterness towards the detectives and those in support of the detectives. For instance, in a heated exchange with Mr. Ricco, who represents Detective Isnora, he told him:

### *During the trial (Spring 2008)*

Mr. Guzman:

“You know what needs to happen? [...] This **needs to happen to your family**.”<sup>248</sup>

Feelings of vengeance were also displayed outside of the court and during protest marches in signs and slogans. The previously discussed signs used by the New Black Panther Party are telling for that matter. The feelings of vengeance were exacerbated after the detectives were found not guilty:

### *After the acquittals (April 2008)*

As one protester put it:

“They’re murderers. [...] They’re going to **rot in hell** where they belong.”<sup>249</sup>

Again, harsh rhetorical strategies are used to underline the police critics’ reality that the police are ‘murderers’.

In short, the vindictive language is a reoccurring element in the communication exercised by police critics, either specifically pronounced in statements or concealed in words and word combinations, while manifesting itself either in feelings of exuberance or bitterness. The notion of vengeance is connected to the rigidly defined notion of justice, in that justice will only take place for police critics if vengeance takes place. What is furthermore significant is that the feeling of vengeance is not only felt by the victims and their families, but also by many others in the victims’ community, accentuating both the ‘We love Sean Bell’ feeling and the broader ‘us-versus-them’ sentiments.

### **The roots of harsh communication strategies**

Why do police critics use harsh communication strategies? The roots of this can be found in the interpretative framing held by police critics on both the shooting and its aftermath, as pointed out by Mr. Barron during the personal interview held with him:

*Personal interview held with Charles Barron (October 2009)*

Mr. Barron responding to my question on how to characterize his own communication, including his quote ‘We are not the only ones who can bleed’:

[I think it is] good. It lets people ventilate their anger through me and they don’t go back in the community and implode or explode. That’s why we don’t have riots. It’s a good thing when you have a leader that get up there and say what the people are failing in their community, that I am tired of it. [sic] “Charles,” some of them are saying “I wanna pick up a gun and shoot back”. Did I tell anybody to do that? Some of the people in my neighborhood are saying, don’t ask us to march no more, because **we did this 50 times with you** Charles and it is not bringing any justice, so when I said we’re not the only ones that can bleed, **they are lucky we want to talk and that is the way that my people are ventilating their anger through me and that keeps us from imploding and exploding in our communities.**

[...] **We are the most tolerant, reserved, restrained people in the face of police murder than anybody on the planet.** Nothing I have said has ever led to a police officer being killed, has never ever led to a riot, has never ever led to any violence. When the mayor justifies police killings, when a police commissioner protects it, it leads to more killings, more profiling, more violence. **Nothing I have said has ever led to any violence.** It is a good thing, I need to speak even stronger.<sup>250</sup>

According to Mr. Barron, the police critics’ harsh communication strategies are the result not only of the historical pattern of police misconduct and racial injustice, but also the judicial and political inertia and flaws in the aftermath of incidents. Moreover, the communication serves as a way of ventilating emotions that occur as a result of this interpretative framing, and also as a way for police critics to set the political agenda, as, according to Mr. Barron, milder rhetoric has not worked.

The rhetoric is fueled by the rigid ‘us-versus-them’ reality, in which the ‘us’ component is portrayed in a rigidly positive way (‘We are the most tolerant, reserved, restrained people in the face of police murder than anybody on the planet’). This focus on the racial ‘us-versus-them’ schism in itself can be seen as second/broader-agenda criticism, as it broadens the focus from the Sean Bell shooting to racial strife.

Also interesting is how Mr. Barron does not see a downside to the harsh rhetoric used: He perceives his own communication thus in an equally rigid manner.

## **Summary**

While violent behavior is not a main factor in the Sean Bell debate, the debate is nevertheless characterized by aggressive communication strategies, including vengeance and personal attacks. The vocabulary is harsh, uncompromising and emotional, while full of allegations, name-calling, and other verbal abuses. The analysis of this subsection complements the previously discussed strategies to convey specific labels, framings, and the delineation of debate and realities, which were equally harsh and uncompromising.

Both the non-violent approach and the aggressive rhetorical strategies are fuelled by the rhetoric used by Mr. Sharpton and other community leaders, and more specifically by the slogan ‘We

can be angry without being mad'. In addition, the rhetorical aggression is also a product of the 'us-versus-them' positioning, the existing sentiments of injustice, and the reiteration of the guilt label '50 shots'. This is a two-way interactive process: The police critics' harsh communication methods in turn also exacerbate the harsh character of their labels, framings, and overall positioning.

### 1.3.5 Multiple hues: Conciliatory and facts-driven communication

The communication discussed so far is characterized by rigidity and emotionality in debate and reality, as well as harshness in communication strategies. On its own, this analysis could result in a skewed perception: While most of the statements uttered by police critics indeed can be categorized as rigid and emotional, there are certainly multiple hues. The discussion of these statements has been postponed for two reasons: First, these approaches are relatively sparse in comparison to the rigid communication predominant in the discussion so far; second, by capturing such approaches in one subsection, the shades of gray regarding the positioning of different police critics, as well as the specific character of this 'conciliatory discourse' and 'facts-driven discourse', become apparent.

#### Conciliatory communication

Mr. Sharpton and those associated with him distance themselves not only from those who invoke violence, as discussed in Subsection 1.3.4, but also from critics who use harsher communication strategies than they do. For instance, Mr. Sharpton distances himself from City Councilman Charles Barron, who has conveyed his disapproval of the police in a more pronounced way than Mr. Sharpton, by saying that the police commissioner should resign immediately, and by indirectly invoking violence.<sup>251</sup> At a private meeting in which community leaders and Mayor Bloomberg discussed the police shooting, Mr. Sharpton detaches himself both in words and in action from (the ideas of) Charles Barron:

#### *Just after the shooting (December 2006)*

A *New York Times* excerpt:

Once labeled a race-baiting firebrand, Mr. Sharpton is now considered to be closer to the center of the broader leadership group. At the private meeting with Mr. Bloomberg, for example, Mr. Sharpton **did not second Mr. Barron's call for Police Commissioner Kelly's resignation, telling Mr. Kelly that he supported him.** He added that those commissioners he supported tended to get fired, a joke **that broke the considerable tension in the room,** according to people at the meeting, who were granted anonymity because the gathering with the mayor was private. At another point, Mr. Smith told Mr. Sharpton that he needed to get Mr. Barron, whom he called Mr. Sharpton's protégé, to quiet down. **"He's not my protégé,"** Mr. Sharpton shot back.<sup>252</sup>

By not seconding Mr. Barron's call for resignation, by saying that Mr. Barron is not his protégé, and by using humor to 'break the ice', Mr. Sharpton seeks common ground for 'negotiation' of solutions

for the issues at stake. Both actions and words are geared towards coalition-building in this matter. Another example is Mr. Sharpton's appearance before Judge Stephen in October 2008, defending his pray-in protests a few months earlier:

*During the trial following the pray-in protests (October 2008)*

A *New York Times* excerpt:

He stood before Judge Stephen and thanked him for acknowledging that his protests were peaceful. He also apologized to anyone whom his protests might have inconvenienced, but said he hoped that the civil disobedience made an impression on them.<sup>253</sup>

Again, Mr. Sharpton seeks common ground, understanding the reality of others who might have experienced inconvenience. Yet such understanding is not pervasive in the statements uttered by Mr. Sharpton and those associated with him. Rather than illustrating conciliatory discourse, the quotes reveal the position carved out amongst other police critics: The reverend and his followers do not want to be linked to any aggressive and violence-prone critics, but on the other hand are set to find justice and do this in a way that consists of mainly uncompromising and some conciliatory elements.

Some of the police critics employ a more flexible definition of debate and reality and apply less harsh strategies, using a milder tone and a more conciliatory approach than Mr. Sharpton. People in this group include State Senator Malcolm Smith and City Councilman Leroy Comrie. Characteristics of this more flexibly defined reality and use of milder communication strategies include an understanding of motives, thoughts, and arguments held by oppositional or neutral parties, a positive outlook on the future, and a desire to find the middle road and please all parties involved. Take for example the following remark made by Senator Smith:

*Just after the indictments (March 2007)*

A *New York Times* excerpt:

"Yes, we mourn the Sean Bell shooting; yes, **we mourn for the police and their families because this affects them, too** — but what can we bring positive out of those two negative things?" [...] I'm going to take this to a mathematical science [...] **You know two negatives equal a positive.**"<sup>254</sup>

With his statement, Mr. Smith purposely seeks to find compromise between the reality felt by the victims and the reality felt by officers. This choice starkly differs from the remarks made by Mr. Sharpton, who does not focus on this second reality. Second, he has a positive outlook on the future, and is optimistic a positive resolution will be found ('you know two negatives equal a positive').

Similarly, Mr. Smith reacted differently from Mr. Sharpton towards the seemingly tedious process that preceded the indictments and the court case:

*Just after the shooting (November 2006)*

A *New York Times* excerpt:

Senator Smith, who was at the Monday meeting with Mr. Brown, said he had urged the district attorney to move quickly. “**We understood and respected** his desire not to compromise that process, or end up going too fast and blowing the case, but we believe he has to move expeditiously.”<sup>255</sup>

*Just after the funeral (December 2006)*

A *New York Times* excerpt:

“The overall body has been from all different areas, from the street level to the marble offices,” Mr. Smith said, referring to the coalition of civic leaders. “I don’t know how long we can hold that,” he said, adding that he had told Mr. Brown, “**We understand** your time frame, but we don’t know how long we can hold this framework.”<sup>256</sup>

While previous excerpts showed how Mr. Sharpton lays the emphasis on the tediousness of the process, Mr. Smith both emphasizes the understanding and respect he has for the district attorney, while also underlining the need to act quickly, thus seeking a conciliatory resolution.

Another example of a more nuanced communication approach can be found in the statements made by City Councilman Leroy Comrie. Just like Mr. Smith, he tries to find a reality and resolution that compromises between the reality held and the solutions trotted out by the police critics and the police itself. For example, Mr. Comrie was quoted on both the Sean Bell shooting and the memorial of a slain white police officer, Edward Byrne:

*At the memorial of Edwin Byrne (February 2008)*

Mr. Comrie:

“They both never should have happened. [...] But they both deserve to be commemorated.”<sup>257</sup>

While other police critics tend to focus on just police violence against minorities, Mr. Comrie takes the opportunity to criticize both shootings, thus seeking common ground between the police critics and the police. On another occasion, Mr. Comrie comments on a meeting held just after the shooting:

*Just after the shooting (November 2006)*

Mr. Comrie commenting on the meeting convened by Mayor Bloomberg:

“There’s always anger after incidents like this and there’s always a lot of people that bring up other incidents,” said City Councilman Leroy G. Comrie Jr. of Queens. “People **confuse history**, and specific people are concerned about their **individual actions**.” He added: “You have different people that don’t know each other, there’s always room dynamics, you know, because people come in with different agendas or some people are **off topic altogether**.”<sup>258</sup>

In contrast to remarks made by other police critics, Mr. Comrie in this specific case is critical of the motives held and methods practiced by the stakeholder group which he is party to. These motives and



methods include confusing/bringing up certain historical events and having a second agenda. By doing this, he acknowledges possible communication flaws within his own group such as second-agenda criticism, and moreover, questions the strict ‘truth/reality’ felt and communicated by fellow community leaders.

Besides Mr. Comrie and Mr. Smith, others have also made statements that can be considered more conciliatory in tone. Characteristics of this conciliatory discourse in fact form the linguistic antonyms of the previously discussed characteristics that shape rigidly defined discourse:

#### *A pessimistic outlook versus a positive outlook*

As discussed, a lot of statements include a feeling of distrust towards the governmental, judicial and law enforcement systems in place. Stakeholders practicing such communication consequently have a pessimistic outlook on the future, especially in regard to actions to be taken by other stakeholders; some stakeholders practicing conciliatory discourse conversely see the future as an opportunity to make improvements:

#### *At the beginning of the trial (February 2008)*

Kadiatou Diallo speaking about the trial:

“There is a spiritual connection there. [...] **Things happen for a reason.** The good thing is that this trial is being held in New York City. We **can all learn from this, and try to do better for the future.**”<sup>259</sup>

In this statement, Ms. Diallo focuses on learning instead of denouncing the system, and focuses on future steps instead of past wrongdoings. Her use of the word ‘we’ in this matter includes all stakeholders, thus seeking common ground for solutions.

#### *Lack of understanding versus understanding: Flexibility and non-flexibility in realities and outcomes*

As argued, most of the police critics’ statements entail a rigidly defined reality concerning the shooting itself, the broader pattern of police misconduct, and what should be done to resolve these issues. In such communication there is little understanding for the reality felt and communicated by the police, or by any other group that does not share the police critics’ rigidly defined notion of justice. Conciliatory discourse by contrast does entail such understanding as well as a more flexibly defined reality:

#### *In between the indictments and the trial*

An excerpt on a new police–community initiative in which policemen play basketball with ex-offenders (June 2007):

Mr. Fagan is a 38-year-old case manager for Bronx Community Solutions, a non-profit group that looks for alternatives to jail time for people convicted of low-level crime. He hatched the

idea for a basketball league facing ex-offenders against police officers in the tense aftermath of the police shooting of Sean Bell who died Nov. 25 in Queens in a fusillade of 50 police bullets that also wounded two of Mr. Bell's friends.

"When Sean Bell happened, there was a lot of uproar," said Mr. Fagan, who is slender and bald and has sea-green eyes. "Perceptions of youth toward police were kind of distorted, and I thought this would maybe change perceptions. **Police are people in the community like us.**"<sup>260</sup>

#### *At the beginning of the trial (February 2008)*

An excerpt on Mrs. Diallo speaking about the shooting of her son:

By now, Mrs. Diallo said, there is "no bitterness in my heart" toward the men who killed her son. "**They have a right to live,**" she said, and to build new careers, as two of the four have done as New York firefighters.<sup>261</sup>

#### *Just after the acquittals (April 2008)*

Quotes taken by a *New York Times* reporter from people in minority communities in the days after the verdict:

Even near Liverpool Street and 94<sup>th</sup> Avenue in Jamaica, the very spot where Mr. Bell was killed, Kenneth Outlaw stood and spoke not only of the humanity of Mr. Bell but of the police as well. "A cop is a human being just like anyone else," said Mr. Outlaw, 52. "**If I had to be out here, facing the same dangers the cops face, I'd be scared to death too.**"

[...] [Some] said that they did not know what to think, after weeks of following contradictory testimony in the news. "**If I was the judge, I wouldn't know what to do,**" Paul Randall, 22, a college student, said on Thursday. "From following the case, **it's kind of hard to say one way or the other.**"

[...] Dorothy Omega, 70, a retired drug counselor, sat in the audience at Mr. Sharpton's headquarters, waiting for him to speak about the verdict. Even there, in the Harlem building known as the House of Justice, Ms. Omega sought the middle ground. She said she understood the anger expressed by Mr. Sharpton, but at the same time, she said, "**The Police Department needs our support, too.**" Her thoughts turned to Mr. Bell, and then back again to the police. "**The police have families, too,**" she said. "**They have to live with this.**"<sup>262</sup>

With his statement, Mr. Outlaw seeks some common ground in which the reality of police and community come together: All people from these groups are humans. By taking this reality as a starting point, Mr. Outlaw is able to understand police reality: All humans have fears; police officers too. Ms. Omega, like Mr. Outlaw, seeks some common ground in which both realities come together: 'The police have families too'. Ms. Omega, furthermore, states that she not only understands both realities, she stresses one should support both. Similarly, Mr. Fagan tries to bring both realities together with his initiative, again emphasizing a common denominator: 'Police are people in the community like us'. This understanding of different realities in some instances also extends to the reality of Judge Cooperman and that of the district attorney, as becomes clear in Mr. Randall's statement. While the offensive language used encompasses such a rigid definition of justice that it

does not allow for a ‘not guilty’ verdict, in the conciliatory discourse the reality of the judge is better understood.

None of the quoted statements contain any vindictive elements as found in the confrontational discourse discussed earlier. Instead, all four people strike a more reconciliatory chord. This chord is most pronounced in the statement made by Mrs. Diallo, who emphasizes she has no bitterness anymore and that the policemen have a right to live. ‘The right to live’ for that matter is the exact opposite of the previously discussed vindictive remarks part of the narrowly defined outcome of debate held by other police critics: ‘They’re going to rot in hell where they belong.’<sup>263</sup>

*‘We are right’ versus ‘we can be wrong too’*

Part of the rigidly defined reality is the insistence on being right. Conversely, in the instances of communication that are more nuanced and have been labeled as conciliatory discourse, police critics do acknowledge personal flaws, or flaws made by the community of which the critic is part:

#### ***Just after the acquittals (April 2008)***

A *New York Times* excerpt:

In Harlem, Willie Rainey, 60, a Vietnam veteran and retired airport worker, said that he believed the detectives should have been found guilty, but that he saw the case through a prism not of race, but of police conduct. “It’s a lack of police training,” Mr. Rainey said. “It’s not about race when you have black killing black. **We overlay the black card** as an issue.”<sup>264</sup>

Similar to the previously discussed remark by Mr. Comrie, Mr. Rainey points out that the black community (represented by ‘we’) — has a broader agenda, using race as an issue when it is not. He admits mistakes by the ‘us’ group.

#### **Facts-driven communication**

Not all police critics’ communication is driven by emotion. Facts-driven discourse is mainly conveyed by the New York Civil Liberties Union, an organization that only sporadically sought attention in the public debate that followed the Sean Bell shooting. The NYCLU Associate Legal Director Chris Dunn explains the reasons for this in the personal interview held with him:

#### ***Personal interview held with Chris Dunn, October 2009***

Mr. Dunn:

“For us shooting incidents are difficult to talk about because on the one hand we do a lot of work on police misconduct and we are very involved with those issues; on the other hand we **are very much involved with due process rights and the notion that people who are accused of misconduct are entitled to a fair process.** It is very difficult in a shooting to draw conclusions about if something illegal or unlawful has been done without knowing a lot of information about the shooting and the big fact in the Sean Bell shooting of **course is the**

**number of shots. But giving the cops those automatic weapons now you can fire that many shots in a circumstance where perhaps it is justified, so when it comes to shooting incidents we rarely make comments about whether or not the shooting is appropriate.** What we spend a lot of time doing is talking about **the need for information** that comes out about shooting incidents, so for instance in the Times' reporting we are kind of a central player in terms of mandates about more information coming out about shootings or reporting about shootings, that's something we have done a lot of work on [...] but when it comes to actual **individual shooting incidents we as a rule stay out of it because we feel like it is very hard to say anything conclusive without knowing a lot more information about it than is available when these things happen.**"<sup>265</sup>

This interview excerpt shows why the NYCLU is not a central player in the public debate ensuing from the Sean Bell shooting, unlike for example Mr. Sharpton. As Mr. Dunn's driving force of response is not emotion, but rather facts and information ('knowing', 'the need for information'), Mr. Dunn cannot comment on the shooting, being unable to provide a 'conclusive' analysis. It is also interesting how Mr. Dunn does not foster the police critics' rigidly delimited desired outcome of debate, i.e. 'Justice for Sean Bell', but instead speaks more generally of a 'fair process', which does not necessarily lead to sentences, but can also result in the acquittal of the implicated detectives. While police critics criticize both the implicated detectives and the NYPD as a whole, the NYCLU directs its criticism solely to the latter, arguing that procedures and policies, including the use of automatic weapons, can result in '50 shots'.

Hence the NYCLU is hardly mentioned in the selected sources. The following excerpts are the exceptions to the organization's silence. It is important to note that not all articles focus on the Sean Bell shooting, but Sean Bell is mentioned in all of them:

#### ***In the period before the grand jury process (January 2007)***

A *New York Times* excerpt on Mayor Bloomberg's plans to increase the funding for the Civilian Control Review Board:

Concerns about police–community relations following the Sean Bell shooting prompted the Bloomberg administration to examine the board that investigates claims of police abuse — a review that led the mayor to announce an increase in funds for it during his State of the City speech, city officials said.

[...] Christopher Dunn, the associate legal director of the New York Civil Liberties Union, said there is tension between the Police Department and the board that seems "to have intensified" since Mr. Kelly arrived for a second stint as Commissioner in 2002. **"At best, the department has ignored the CCRB and arguably it has been hostile to the CCRB,"** he said.

"The mayor's giving the CCRB more money is nice, but that will not address the serious issues of police misconduct raised by the Bell shooting," he said. "To address those concerns, the board needs **to be much more aggressive** in investigating policy issues, not just individual complaints of misconduct, and the Police Department must be **much more responsive to the board recommendations,**" which it may or may not follow."<sup>266</sup>

### *After the indictments (March 2007)*

Mr. Dunn explaining the public's response to the Sean Bell shooting:

“While it's certainly an aberration to be shot — much less to be shot at 50 times — the Bell shooting touches on something that is no aberration, **which is the police being very aggressive with those in the black community.**”<sup>267</sup>

### *After the presentation of the first RAND report (November 2007)*

A *New York Times* excerpt on the NYCLU's response to the presentation of the report, which was commissioned by Police Commissioner Kelly after the release of the NYPD's stop-and-frisk data:

Donna Lieberman, the executive director of the New York Civil Liberties Union, called the report “**hugely flawed,**” saying that the document was more striking **for what it did not say than for what it said.** She said the report relied on “**inappropriate benchmarks**” to reach its findings.

[...] In one area — the use of force — the Rand study said, “**If black suspects are likelier to flee or resist, the observed difference in rates of force may not be due to officer bias.**” But Christopher Dunn of the civil liberties group called this “**an example of them not doing analysis and instead looking for justifications. It simply reflects the dishonesty that runs through this report.**”<sup>268</sup>

### *After the presentation of the second RAND report (June 2008)*

A *New York Times* excerpt on the presentation of the report, which was commissioned in response to the Sean Bell shooting:

Christopher T. Dunn, the associate legal director for the New York Civil Liberties Union, said the report represented a lost opportunity for the Police Department and the city.

“This report does **nothing** to answer the major questions that **many New Yorkers were asking after the Bell shooting,** including why officers are firing so many shots at civilians and why blacks and Latinos seem to be such a target for police shootings,” Mr. Dunn said. “Simply put, this is a **major disappointment.**”<sup>269</sup>

### *After the NYPD's release of its firearms-discharge reports (May 2008)*

Mr. Dunn:

“That the number of shooting incidents is down since 1996 is good for everyone. [...] At the same time, the likelihood that nearly everyone being shot at is black or Latino, and the fact that in most incidents only the police are shooting, **raise serious concerns that were highlighted by the Bell and Diallo shootings.**”<sup>270</sup>

What is most striking in the statements above is that the NYCLU responds to different issues than other police critics. These different issues involve the conduct of the NYPD as a whole, rather than that of individual officers. While Mr. Dunn does refer to the Sean Bell shooting, he only does so to highlight his broader concerns with the performance of the department.

It is also very noticeable from these statements that the organization formulates its criticism on these issues in a different way to other police critics. The facts-driven communication conveyed by

the NYCLU comprises statements that do not focus on the emotions and victimization felt after the Sean Bell shooting, but instead consist of arguments based on statistics and other facts. Mr. Dunn does not use passionate oratory. Nevertheless, the communication above cannot be classified as conciliatory discourse. On the contrary, similar to other police critics, Mr. Dunn presents a rigidly defined reality regarding the conduct of the NYPD. He does so by using emphatic language ('nothing', 'serious concerns') by which he sketches an uncompromising picture of the NYPD's performance. Moreover, in the selected sources, Mr. Dunn on no occasion shows understanding for the reality held by the NYPD, nor does he appraise the NYPD in a positive way.

The NYCLU is not the only police critic that conveys facts-driven communication. Some of the previously discussed statements were facts-driven too:

### *In between the indictments and the court case*

A *New York Times* excerpt on the letter sent in May 2007 by Mr. Hardy requesting a federal investigation into the New York Police Department:

The lawyer, Michael A. Hardy, said in a letter Monday to Michael J. Garcia, the United States attorney in Manhattan, that the Police Department had a **history of using excessive force in minority communities**.

The recent shootings and the history of fatal shootings, Mr. Hardy wrote, "certainly suggest that the NYPD is engaged in a pattern and practice of **continuous and systemic violations** that have, at minimum, a disparate impact in black and Hispanic communities."

[...] "While all agree that the job of New York City police officer is a dangerous and difficult one, and most people have the highest regard for members of the department," the letter said, "something is **terribly wrong** within the department which is having a **fatal and disproportionate impact within the New York City communities of color**."<sup>271</sup>

While only the word 'terribly' can be seen as emotionally charged, the statement above resembles Mr. Dunn's communication much more than that of the emotionally charged statements discussed previously. In addition, the statement shows a limited degree of understanding for the reality of the police ('all agree that the job of New York City police officer is a dangerous and difficult one, and most people have the highest regard for members of the department').

Nevertheless, the overtone of the police critics' communication printed in the *New York Times* is emotional, harsh and rigid in nature.

### **Summary**

This subsection has laid bare the shades of gray in the police critics' response to the Sean Bell shooting, demonstrating how some communication was more conciliatory, while other communication was more facts-driven than the overall rigid, harsh and emotional communication conveyed by police critics.

Conciliatory discourse consists of less rigid definitions of debate and reality and less confrontational rhetorical strategies such as humor, self-reflection, positivism, understanding and concession, in order to seek common ground between different realities. In other words: Conciliatory discourse is coalition-oriented. The conciliatory discourse can be seen as either spontaneous communication or as strategic PR discourse aimed at carving out a position in the group of police critics. By doing so, Mr. Sharpton and other police critics distance themselves from more radical critics, while milder critics distance themselves from the reverend himself.

In turn, facts-driven communication comprises criticism of the NYPD based on statistics and facts, while avoiding passionate oratory or preliminary conclusions on the conduct of the officers.

### **1.3.6 Conclusion**

This section has focused on how the police critics' positioning in the Sean Bell debate is characterized by rigidity, harshness and emotion.

Rigidity can be found in the desired outcome of debate, the prerequisites for the debate to come to an end, the negotiation space, the realities, truths and solutions held and presented in regard to the shooting and the broader patterns of police misconduct and racial injustice. The rigidity, fuelled by the starkly divergent images captured in the '50 shots' and 'I am/We love Sean Bell' labels and a product of the broader event and process framings leads to an equally rigid 'us-versus-them' positioning, in which common ground with other realities is only sought sporadically.

While harshness can be found in the communication strategies used by police critics, the concept of emotion, in turn, is again multifaceted. It functions as the driving force of response, igniting and fuelling the rhetorical motor from the very start. In addition, it serves as a filter through which actions are perceived, assessed, and responded to. Emotion can be seen as spontaneous communication aimed at conveying feelings and also as a pre-planned PR strategy which is used to 'blackmail' other stakeholders, but also to amplify the magnitude of the case and create a state of urgency (agenda setting). This reality leads to an emotionally charged 'us-versus-them' positioning, in which victimization and blame are exacerbated and polarized.

There are certainly shades of gray in how police critics position themselves in the debate. To a degree, the level of rigidity, harshness and emotion can be seen as a strategy to carve out a position in the group of police critics, as critics can distance themselves from milder or more radical detractors by doing so. The central figure in the debate remains Mr. Sharpton, who, together with other community leaders, serves as a gauge for community sentiments. His oratory comprises both conciliatory and non-compromising elements, although the latter has the upper hand.

The rigidity and harshness of the police critics' positioning, as well as the display of emotions, are amplified when the prerequisites for justice are disregarded and when the police critics' truths and realities are challenged. Venues where this rigidity, harshness and high level of emotions

are particularly profound include protest marches and the court. Semi-private gatherings held for peers also exacerbate the emotionality of debate and in particular the sense of victimization.

The uncompromising, rigidly defined and emotionally charged 'us-versus-them' positioning inevitably impacts the process of debate. The limited negotiation space and the stark emphasis on culpability in particular can be factors that hamper the process of debate. However, the exact impact can only be assessed by looking at the synergetic effects that this positioning has on other stakeholders, in particular the police.



## 1.4 Conclusions and outlook

This chapter discussed the communication practiced by the group of police critics participating in the debate ensuing after the Sean Bell shooting.

Overall, the statements uttered by police critics can be characterized as polarized, with a profound ‘us-versus-them’ schism molding labels, framings and positioning, occurring throughout the aftermath of the shooting in all venues of debate.

The ‘us’ component is a product of a broader organic and historical interpretative framing concerning the prolonged civil rights movement against police misconduct, racial injustices, and judicial and political failures, while fuelled by the highly personalized and emotional labels ‘I am Sean Bell’ and ‘We love Sean Bell’, which exacerbate emotions, a sense of victimization, identification and love for the victim, and a strong group feeling. The ‘us’ group is delineated by race, level of support and understanding, moral obligation and ability or inability to feel the suffering.

The ‘them’ component, in turn, is a product of the broader interpretative framings of police misconduct, racial injustice, judicial and political failures and the lack of understanding of and care for ‘others’. It is fuelled by the impersonal label ‘50 shots’, which comprises images of police culpability, magnitude, misconduct, lawlessness and injustice. The ‘them’ group is delineated by culpability, race, and level of support and understanding.

Taken as a whole, the ‘us-versus-them’ positioning is a product of the polarized interpretative framings of the injustices on the one hand and the fight against these injustices — as well as the victimization felt — on the other. The schism between the victimized ‘us’ and the unjust ‘them’ is fuelled by the polarized labels ‘50 shots’ and ‘I am/We love Sean Bell’.

Such polarization results in an overall ‘us-versus-them’ positioning, in which debate and reality are rigidly defined, in which there is not much leeway for negotiation or alternative interpretations/solutions, and in which harsh and emotionally charged strategies (fuelled by ‘We can be angry without being mad’) are used to underline the schism. These strategies include stereotyping/profiling, passionate oratory, personal attacks, vengeance, amplification, self-victimization, emotional/communicative blackmailing, ridiculing, use of irony, the deliberate shielding from another reality, and the questioning of the trustworthiness of other critics while suggesting the critics use unfair strategies, such as propaganda and lying in general. The ‘us-versus-them’ schism even penetrates to the level of vocabulary, as not only harsh, uncompromising, amplifying and emotional words are used, but an emphasis is also laid on the words ‘we’ and ‘they’.

Due to the ‘need for a legacy’ (core label: Sean Bell), the self-identification with the victim (‘I am Sean Bell’), and the strong communal group feelings (‘We love Sean Bell’), the police critics feel ‘morally obliged’ to fight for the rigidly defined conditions set in the label ‘No justice, no peace’, which in itself is part of a broader interpretative framing as the chant is literally a product of the civil rights movement. This results both in a strong zeal to fight, but also in limited negotiation space.

The analysis has shown how the discussed labels, framings and positioning to a great extent interact with each other, unearthing the fine transition lines between the three, while also demonstrating how interpretative framings produce labels and affect positioning, how labels serve as a catalyst for these framings and the positioning — while condensing, magnifying, and reiterating captured images and perceptions — and how the positioning, in turn, can further exacerbate the use of labels and the interpretations constructed by stakeholders.

The Rev. Al Sharpton plays a key role in this. With his passionate oratory, repetition of labels, and agenda-setting communication strategies, to a large extent he shaped the images, interpretations, and positioning held and maintained by police critics. Not only does he energize the community to fight for justice, he also ensures prolonged media attention for this fight, applying agenda-setting communication strategies that amplify the perceived ‘state of urgency’. Yet this is a two-way process: The reverend acts on the feelings, perceptions and interpretations that are already entrenched in the community, underscoring the fine line between spontaneous communication and PR strategies, while making it impossible to determine exactly the nascence and development of such labels.

Although shades of gray do exist in the discourse of police critics, such shades do not have the upper hand. It might be so that milder or more radical discourse is prevalent in other (private) settings, but not in the statements found in the *New York Times*.

Time and place determine part of these shades of gray: The ‘us-versus-them’ positioning is more profound in semi-private gatherings and protest marches, but also when the rigidly defined notion of debate as well as broader realities are challenged. Labels and interpretative framings, on the other hand, are pervasive throughout the aftermath of the shooting, and occur in all of the researched venues of debate.

In their communication about the Sean Bell shooting, the police critics’ focus strongly on their interpretative framings, which could indicate the use of second-agenda criticism. However, this supposition needs to be explored further in future studies. It can be said, though, that radical groups such as the New Black Panthers lay a far heavier emphasis on these framings than others, while aiming to offend a much larger group than just the police, which strongly suggests the use of second-agenda criticism. Conversely, the existence of broader-agenda criticism in the police critics’ communication is easier to validate.

What is the impact of the communication practiced by police critics on the full process of debate that ensued after the Sean Bell shooting? More specifically, which elements hampered that process, and which elements had a positive effect? The rigidly defined outcome of debate and broader realities, as well as the harsh communication exercised, are not coalition-oriented and do not seek common ground. This is bound to affect the process of debate, yet the extent of this effect depends on the impact on other stakeholders, the police in particular, and to what extent the discussed images,

framings, realities, outcome of debate, and rhetorical and communication strategies align with those of other stakeholders.

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<sup>1</sup> Robert D. McFadden, "Police Kill Man After a Bachelor Party in Queens," *New York Times*, sec. 1, November 26, 2006.

<sup>2</sup> Bob Herbert, "Presumed Guilty," Op-Ed, *New York Times*, sec. A, December 4, 2006.

<sup>3</sup> Michael Wilson, "Witness Testifies that a Detective in the Sean Bell Shooting Said He Fired Only One Bullet," *New York Times*, sec. B, March 19, 2008.

<sup>4</sup> Cara Buckley and William K. Rashbaum, "A Day After a Fatal Shooting, Questions, Mourning and Protest," *New York Times*, sec. B, November 27, 2006.

<sup>5</sup> Nicholas Confessore, "In Queens, 2 Marches and 2 Philosophies on Police Shooting," *New York Times*, sec. 1, December 10, 2006.

<sup>6</sup> Robert D. McFadden, "Protesters Flood Fifth Avenue to Denounce Police Killing of Unarmed Man," *New York Times*, sec. 1, December 17, 2006.

<sup>7</sup> Michael Wilson, "50 Shots Fired, and the Experts Offer a Theory," *New York Times*, sec. A, November 27, 2006.

<sup>8</sup> Daryl Khan, "Metro Briefing New York: Queens: Vigil by Shooting Victim's Mother," *New York Times*, sec. B, January 3, 2007.

<sup>9</sup> John Eligon, "Sharpton and 7 Others Guilty in Sean Bell Protest," *New York Times*, sec. A, October 9, 2008.

<sup>10</sup> Cara Buckley and William K. Rashbaum, "A Day After a Fatal Shooting, Questions, Mourning and Protest," *New York Times*, sec. B, November 27, 2006.

<sup>11</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.

<sup>12</sup> Robert D. McFadden, "Protesters Flood Fifth Avenue to Denounce Police Killing of Unarmed Man," *New York Times*, sec. 1, December 17, 2006.

<sup>13</sup> Manny Fernandez, "In Bell Case, Black New Yorkers See Nuances that Temper Rage," *New York Times*, sec. A, April 27, 2008.

<sup>14</sup> Charles Barron, interview by author, October 5, 2009.

<sup>15</sup> While Mr. Powell speaks of 30 shots, in fact 31 shots were fired by Detective Oliver. The number 30, however, has a much more symbolic importance, similar to '50 shots'.

<sup>16</sup> The reference to Iraq does not necessarily mean that the speaker thinks the Iraq war is an illegitimate war. However, the way he uses the reference (by pairing it with the diminutive 'little') in combination with his other remarks on the shootouts, does suggest this.

<sup>17</sup> Alan Feuer, "Bridegroom's Legacy Remembered at His Funeral," *New York Times*, sec. B, December 2, 2006; The Associated Press, "Mourners Bid Farewell to Police Shooting Victim," *New York Times*, December 1, 2006, [http://www.nytimes.com/2006/12/01/nyregion/02funeral\\_ap.html](http://www.nytimes.com/2006/12/01/nyregion/02funeral_ap.html).

<sup>18</sup> See for example images used in: Cara Buckley and Thomas J. Lueck, "Verdict in Sean Bell Case Draws a Peaceful Protest, but Some Demand More," *New York Times Online*, April 28, 2008, 2008.

<sup>19</sup> Al Baker, "What a Fourth Man Saw, if He Exists, Could Provide Answers in Shooting," *New York Times*, sec. 1, December 3, 2006.

<sup>20</sup> Al Baker and William K. Rashbaum, "Prosecutors Interview Two Shot by Police in Queens," *New York Times*, sec. B, December 5, 2006.

<sup>21</sup> John Eligon, "Bell's Family and Friends, With Rising Anger, Say Fight is 'Far From Over'," *New York Times*, sec. A, April 27, 2008.

<sup>22</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.

<sup>23</sup> Ben Ratliff, "Mos Def, A Rapper, Backed Up by Brass," *New York Times*, sec. E, January 19, 2007.

<sup>24</sup> Jon Pareles, "Idealism and Bawdiness Under Many Guises," *New York Times*, sec. E, May 12, 2008.

<sup>25</sup> Manny Fernandez, "Remembrance, and Protest, for a Man Slain by an Officer," *New York Times*, sec. 1, May 27, 2007.

<sup>26</sup> Robert D. McFadden, "Police Kill Man After a Bachelor Party in Queens," *New York Times*, sec. 1, November 26, 2006.

<sup>27</sup> Emily Vasquez and Daryl Khan, "Pastor Remembers a Confident Family Man Looking Forward to His Marriage," *New York Times*, sec. B, November 27, 2006.

<sup>28</sup> Ibid.

<sup>29</sup> John Eligon, "Bell's Family and Friends, With Rising Anger, Say Fight is 'Far From Over'," *New York Times*, sec. A, April 27, 2008.

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- <sup>30</sup> Sewell Chan and Daryl Khan, "Sharpton and Jesse Jackson Lead Angry Group to Site of Deadly Police Shooting," *New York Times*, sec. B, November 30, 2006.
- <sup>31</sup> Ellen Barry and Daryl Khan, "Where Victim Was at Home, Indictments Bring Relief," *New York Times*, sec. B, March 17, 2007.
- <sup>32</sup> John Eligon, "For Crowds at Courthouse, Just Being There Is the Point," *New York Times*, sec. B, February 26, 2008.
- <sup>33</sup> Jennifer Bleyer, "When the Police Say, 'Stop'," *New York Times*, sec. CY, April 27, 2008.
- <sup>34</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.
- <sup>35</sup> Al Baker and Colin Moynihan, "Two Who Were Wounded Testify About Police Killing," *New York Times*, sec. B, March 3, 2007.
- <sup>36</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.
- <sup>37</sup> Ellen Barry, "At Bell Hearing, More Action Outside Court Than In," *New York Times*, sec. B, April 12, 2007.
- <sup>38</sup> John Eligon, "A Reluctant Partygoer, a Grieving Father, Now a Witness," *New York Times*, sec. B, February 27, 2008.
- <sup>39</sup> Jim Dwyer, "Queens Trial: 50 Bullets and 2 Versions," *New York Times*, sec. B, April 2, 2008.
- <sup>40</sup> John Eligon, "Bell's Family and Friends, With Rising Anger, Say Fight is 'Far From Over'," *New York Times*, sec. A, April 27, 2008.
- <sup>41</sup> Michael Wilson, "Survivor's Dramatic Testimony in 50-Shot Case," *New York Times*, sec. A, April 2, 2008.
- <sup>42</sup> Sarah Kershaw, "Police Shooting Reunites Circle of Common Loss," *New York Times*, sec. A, December 2, 2006.
- <sup>43</sup> Nicholas Confessore, "In Queens, 2 Marches and 2 Philosophies on Police Shooting," *New York Times*, sec. 1, December 10, 2006.
- <sup>44</sup> Clyde Haberman, "A Bond Born of Grief, and Hope," *New York Times*, sec. B, February 26, 2008.
- <sup>45</sup> John Eligon, "For Crowds at Courthouse, Just Being There Is the Point," *New York Times*, sec. B, February 26, 2008.
- <sup>46</sup> Jake Mooney, "The Bullet that Bridged Two Worlds," *New York Times*, sec. CY, May 4, 2008.
- <sup>47</sup> *Concise Oxford English Dictionary* [CD-ROM], 11th ed. (Oxford: Oxford University Press, 2004).
- <sup>48</sup> Andy Newman, "In Downtown Brooklyn, a Sort of Circus in Celebration of Everything Literary," *New York Times*, sec. B, September 15, 2008.
- <sup>49</sup> Sewell Chan, "Mayor Focuses on Dialogue in the Aftermath," *New York Times*, sec. B, November 27, 2006.
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## Analysis for Chapter 2: The New York Police Department

This chapter looks at the communication conveyed by the New York Police Department in the aftermath of the shooting.

The nature of this group of actors in the debate differs significantly from that of police critics. Whereas the group of police critics comprises a multitude of different people and entities, which together produce a vast amount of communication that is divergent in nature but is also distinguished by umbrella characteristics, the Police Department operates far more homogeneously in this context. While the force comprises more than 37,000 police officers, these officers only rarely speak out, as contacts with the press are restricted on most occasions, and police officers need formal approval for answering reporters' questions.<sup>1</sup> Their feelings, perceptions, and interpretations are therefore best captured in the statements made by the police unions representing the officers, more so than they are captured in the official communication of the Police Department. Conversely, the communication attributed in the media to the latter is constructed and conveyed mainly by the police commissioner in conjunction with Paul Browne, the Deputy Commissioner of Public Information, and his communication team. While their communication partly reflects the collective feelings, perceptions, and interpretations of police officers, it is much more a reflection of those held by the Police Department as a whole, conveyed by the police chief and his communication department. The police commissioner and the communication department hence decide to what degree the collective perceptions, interpretations, and positioning of NYPD staff is reflected in external communication efforts. The NYPD and the police officers who make up the institution should thus be seen as two separate stakeholders. The police officers, as stakeholders in the debate, will be scrutinized further in Part II, Chapter 3, which examines the role of police defenders.

What is striking in the NYPD's discourse reported in the *New York Times* is the limited amount of communication that is generated by the department in regard to the Sean Bell shooting and the events that followed.<sup>2</sup> This lack of communication is especially notable in comparison to the vast amount of communication generated by police critics. To a degree, this difference is a direct reflection of the NYPD's one-voice communication approach, as pointed out above. The multiple 'voices' that make up the group of police critics simply produce more noise than the communication of the NYPD. The difference in quantity can also be the result of some of the constraints that the NYPD has to deal with in its communication, as will be further discussed at the end of this introduction. Lastly, the difference can indicate a disparity in approach between police critics and the Police Department. While the police critics deliberately and proactively seek to communicate, the department kept a low profile in the Sean Bell shooting. Whereas the police critics organized agenda-setting meetings and protest marches, to which the press were invited, thus producing more communication, the NYPD only organized press conferences on a limited basis. The differences in communication approach

between the NYPD and police critics, and in particular the police's apparent reluctance will be further examined in the sections ahead.

Due to this limited amount of available communication it is harder to capture perceptions and images in labels, or to determine the department's understanding of the shooting in interpretative framings, as well as its overall positioning in the debate. This problem is exacerbated by the nature of the communication itself, which is far less inflammatory and pronounced than the passionate and rousing oratory used by Mr. Sharpton and other police critics, and moreover, is often characterized as nondescript. The analytical frameworks adopted to anticipate this will be dealt with in the introductions to the sections ahead.

From a practical perspective, it is important to note that a lot of the NYPD's quotes have been paraphrased by the *New York Times*, mostly into indirect speech, but at times the discourse has also been summarized, more so than with that of the police critics. A reason for this is that many of the statements are made by Mr. Browne or other spokesmen, and not by Police Commissioner Kelly. Caution is hence required in the characterization of communication, as the paraphrased statements can be altered by the *New York Times*. Yet it is the paraphrasing by itself that provides more insight into the nature of NYPD statements, as the following analysis will make clear. Hence larger text fragments are analyzed, also because the NYPD's reluctance to speak out comes to light especially when examined in a larger context.

### **Restrictions in communication**

The communication conveyed by the NYPD is constrained in many ways, in stark contrast to the communication by police critics, who can speak freely on both the shooting and its aftermath. It is important to discuss these restrictions, in order to comprehend better the often nondescript and discernibly evasive communication conveyed by the NYPD. These restrictions are not only mentioned in the interview held with Mr. Browne, but are also brought up by other interviewees, even those who are highly critical of the Police Department, as will be discussed in Part II, Chapter 7. For now, it will suffice to look briefly at the main restrictions mentioned by Mr. Browne during the interview.

Mr. Browne speaks extensively about the constraints the department faces when it communicates with the press about explosive issues such as the Sean Bell shooting. These restrictions to a certain degree extend beyond the conventional limitations that institutions face in their public information efforts, as Mr. Browne explains in the following interview excerpts:

#### ***Personal interview held with Paul Browne (October 2009)***

Mr. Browne speaking about the restrictions as a result of the dual role of Police Commissioner Kelly:

“He is constrained in some respects, which I noticed you were critical of on one of your blogs, but I think he has a responsibility as the ultimate arbiter. If the police officers for example were tried and acquitted, which is exactly what happened, he ends up being the judge.”

[...] “If the judge acquits [the implicated officers], he [the police commissioner] could overturn that and say ‘No, I still think that officer should be penalized.’ So, in that context he always has to be a bit more reserved than, let’s say, an elected official who could say what an official deems appropriate, **but it’s a mix; he has a responsibility to communicate with the community.**”

Mr. Browne speaking about restrictions due to the pending judicial process:

“We had to wait until the prosecutor decided whether he was going forward with the case. [...] We put out everything we knew immediately but we didn’t know everything immediately, we didn’t have the statements from the officers involved. **People were kind of shocked saying why you can’t go and interrogate them like you would anybody else.** How come they aren’t being questioned and locked up? Because the district attorney says don’t do it because it would confer **immunity.**”

“The bottom line is that the district attorney does not want us talking to any police officers who he may end up charging and I tried to convey that all the time. There is a point where our critics even if they know that’s the fact, they **will try to exploit that and make it look like we are trying to cover up stuff [and they say] ‘Why haven’t you questioned your own officers?’**”

Mr. Browne speaking about the NYPD’s response to the shooting of the unarmed 19-year-old Timothy Stansbury, January 2004:

“We had basically the whole story immediately and the police commissioner said, from what we know now, it appears that it **was not a justified shooting. That got the police unions calling for his resignation.** But what it also did, it conveyed to the community that when it appears the police were wrong the police commissioner was willing to say so. **But it still has to be to a certain extent. It can’t be too over the top because in the end he is called upon to judge, you know, in an administrative proceeding where people have rights.**”<sup>3</sup>

The excerpts above expose two main factors that limit the communication of the NYPD, i.e. the powerful role of the unions, which are able to impede the police commissioner seriously, and the effect his communication can have on both the judicial and administrative proceedings: While the commissioner has a responsibility to communicate with the community, Mr. Kelly is also the arbiter in the eventual internal trial. His communications can infringe the rights police officers enjoy in both administrative and judicial proceedings, potentially leading to claims of immunity.<sup>4</sup> While Mr. Browne does not give further details on how the unions can impede the police commissioner, their powers have been discussed in Part I, and are also discussed by other stakeholders, as will be scrutinized in Part II, Chapter 7.

It is important to note that these restrictions explain the character of the NYPD’s communication, rather than that they diminish the consequences of this character. More specifically, while part of the non-committal and nondescript character of the NYPD’s communication can be explained by the restrictions mentioned above, this specific character can nevertheless influence the process of debate, a central theme in this research. Hence the departure point of the following analysis will be the effect of the restricted communication rather than the restrictions themselves.

## 2.1 Perceptions and images

This section examines the perceptions and images held, constructed and conveyed by the NYPD in regard to the Sean Bell shooting incident, other stakeholders, and themselves.

While police critics convey their perceptions of the shooting and the police frequently throughout the aftermath of the incident, the Police Department does not do this. Moreover, the NYPD does not create and reiterate labels in the way the police critics do, such as ‘50 shots’, or ‘I am/We love Sean Bell’. Therefore it is harder to capture perceptions and images in labels, especially as the available communication in the selected sources is limited. The nature of NYPD communication also has an advantage: The perceptions and images are less scattered than those held by police critics, as they are funneled into ‘one clear voice’.

Given the unique characteristics of the NYPD as a stakeholder in the debate, as well as the characteristics of the discourse produced by this stakeholder, it is necessary to conduct the analysis of this group in a different way from that of police critics. While the analysis of the latter is centered on the role of Mr. Sharpton and other community leaders, who from the very start captured and reiterated the perceptions held by police critics, the analysis below explores perceptions and images held by the NYPD in a different way. This section will first examine the organization’s official (proactive) statements on the shooting, providing more insight into the context and consequences of the limited amount of perceptions and images conveyed by the NYPD on the shooting. Moreover, these official statements can also expose concealed perceptions held by the organization, as will be discussed further in Subsection 2.1.1. Subsection 2.1.2 then aims to reveal hidden perceptions held by the NYPD, by delving deeper into the way the Police Department responds to the profoundly visible labels ‘50 shots’, ‘I am Sean Bell’ and ‘No justice, no peace’.

### 2.1.1 ‘This event’: Non-committal and nondescript labels for the ‘indistinctive’ shooting

To understand the (lack of) perceptions and images conveyed by the NYPD, this subsection first takes a closer look at the times when the Police Department proactively sought to communicate with the press and other stakeholders, for instance during press conferences at key moments in the aftermath. What was the police’s initial reaction to the shooting, and how did this response evolve in time? The answers to these two questions provide insight into both the seeming scarcity of perceptions and images and the potentially concealed perceptions and images in the available discourse. On a broader note, the two questions also give insight into the Police Department’s positioning in the debate. While it is hard to separate the discussion of these two different research aspects, this subsection will focus on what the lack of conveyed perceptions in fact says about the perceptions held by the organization, while Section 2.3 looks more closely at the reasons why the NYPD does not convey its perceptions in the first place, and how this absence is related to the department’s positioning.

The NYPD delivered its most pronounced statements on the shooting just after the incident took place and also just after the acquittals. At these crucial moments, Police Commissioner Kelly took the lead in the department's communication efforts. At other moments in the aftermath, it was often his spokesman Mr. Browne or other (sometimes anonymous) police officials who responded to questions from reporters.

The following statements were made by Police Commissioner Kelly in the days after Sean Bell was shot:

***Just after the shooting (November 2006)***

At a news conference (November 25):

Police Commissioner Raymond W. Kelly said at a news conference last night that **the men's car had been hit at least 21 times. He said he did not know what triggered the shooting and that it was too early to tell if it was justified.** No guns were found at the scene, and no charges have been filed against the men, the police said.<sup>5</sup>

Police Commissioner Kelly speaking on a NY1 political talk show (November 27):

"The mayor is certainly entitled to his opinion," he [Police Commissioner Kelly] said on NY1. **"I think we need an in-depth examination of all the facts.** It is unusual to have this number of shots fired."<sup>6</sup>

A *New York Times* excerpt on a community meeting held with Police Commissioner Kelly and Mayor Bloomberg (November 28):

Mr. Kelly declined to characterize the shooting. **"I can't afford to have a visceral reaction,"** he said. "I'm in charge of a 52,000-person organization. I'm also the final determiner as far as discipline is concerned in any process that goes forward. So I **reiterate** that **I think we need this investigation to go forward as quickly as possible.**"<sup>7</sup>

An excerpt from a *New York Times* interview with Police Commissioner Kelly (last week of November):

He [Police Commissioner Kelly] cited the case of Timothy Stansbury Jr., the unarmed 19-year-old who was fatally shot by a police officer in Bedford-Stuyvesant, Brooklyn, in 2004, as an instance in which, early on, he judged a shooting to be unjustified.

"In the Stansbury case, we had information because of statements from the non-shooting officers, so we put out the information," Mr. Kelly said. **"We don't have enough information yet in this case. I make a determination about what to say based only on the facts."**<sup>8</sup>

*New York Times* analysis of the events that took place in the week after the shooting (November 30):

Mr. Kelly has been **careful not to characterize the conduct of the five police officers** involved in the shooting of Mr. Bell. None of those officers have been interviewed by officials.<sup>9</sup>

What first catches the eye in Mr. Kelly's initial response to the shooting is that he does not give his version of what happened, nor does he comment on the version provided by the detectives. While this response gives insight into the positioning of the NYPD in the debate, further discussed in Subsection



2.3.1, and the restrictive character of communication, as discussed in the introduction, this subsection examines how this approach results in an intentional and apparent void of perceptions and images: The police commissioner does not convey any explicit information on the shooting or those involved in the shooting.

However, a closer look at the discourse above — especially at the cautious character of the rhetoric used — does reveal information about the perceptions and images held and constructed by the NYPD.

It might seem contradictory that it is the caution itself that reveals the perceptions held, and the notion thus requires some more explanation. To start with, the cautious character of the vocabulary used is profound: Although the active present tense and first-person statements ‘I make a determination’, and ‘I reiterate’ appear to be decisive, it is the nondescript, non-individuating and non-committal word choice that truly characterizes the discourse. Most of the statements above are reactive to reporters’ questions, which possibly indicates caution. Moreover, the police commissioner does not mention key details or names of people involved in the shooting. The name ‘Sean Bell’, for instance, is not mentioned in these statements, nor is the total amount of shots fired (although the commissioner does communicate that the car has been hit at least 21 times). Instead, the incident is simply referred to as ‘this case’ or ‘the shooting’. For the purpose of this research, it is more important what the commissioner refrains from saying than what he does say. More specifically, the perception that Commissioner Kelly indirectly conveys in the statements above — deliberately or not — is that the shooting is ‘indistinctive’. It is also important to note that the commissioner does not attach any emotions to this perception: The statements are all factual messages, which do not comprise a public expression of sympathy, in contrast to the frequently quoted sympathetic expressions of the mayor in the *New York Times*, as further discussed in Part II, Chapter 4.

Police Commissioner Kelly’s approach is reinforced by the statements made by Mr. Browne and his team:

#### ***Just after the shooting (November–December 2006)***

Excerpts concerning Mr. Browne’s response to reporters’ questions (last week of November):

When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department’s chief spokesman, said, “**What we look at is the totality of the situation.**”

He added: “**We don’t know the totality of this event yet.**” But of the two previous shootings, Mr. Browne said, “There was more than the threat of the automobile alone involved.”<sup>10</sup>

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Paul J. Browne, the Police Department’s chief spokesman, and Police Commissioner Raymond W. Kelly said it **was too early to characterize the shootings**. Mr. Browne said it

was **the department's prerogative to put the officers on leave until the department learned more about how the night's events unfolded.**<sup>11</sup>

Police official answering reporters' questions (first week of December):

Police officials have acknowledged that the conduct of the undercover detective — for example, in taking action rather than relying on backup, and in firing at a moving car was unusual.

"This is a real question," one official involved in the inquiry said. **"But it doesn't mean that what the undercover did was bad."**<sup>12</sup>

In these statements, the non-committal, non-elaborative approach is more explicit and again the perception of 'indistinctiveness' stands out. More specifically, the officials refrain from mentioning Sean Bell's name or the number of shots fired, or providing other details on the shooting. Instead, Mr. Browne speaks of 'the totality of the situation' and 'the totality of this event', while the police official speaks of 'what the undercover did': all nondescript, factual and detached characterizations of the shooting. By so doing, the officials put reason and logic over emotion, and moreover, convey their perception of the 'indistinctiveness' of the shooting.

These perceptions, in turn, can be seen either as premeditated constructions to support the positioning of the police, as will be discussed in Section 2.3 below, or as spontaneously emerging images that are part of a broader reality held by those working for the Police Department.

During the period between the direct aftermath of the shooting and the acquittals of the detectives, the quantity of communications by the NYPD decreases considerably. The only other proactive and explicit response to the incident and the potential culpability for the implicated officers occurs just after Judge Cooperman's verdict:

#### ***Just after the acquittals (April 2008)***

An excerpt from Mr. Kelly's official statement (April 25):

**I cannot make any comment on the verdict** because any disciplinary action that might emanate from **this case** will ultimately come before me. We have been asked by the United States attorney to hold up any disciplinary proceedings until they make a determination whether or not they are going to be involved in this matter. So we'll await word from the United States attorney before we will proceed with any formal investigation.

**[...] I can't have a reaction,** as I said. Any disciplinary action that may emanate from **this case** will ultimately come to me to make a determination on. **So it's inappropriate for me to comment on the verdict.**<sup>13</sup>

A *New York Times* excerpt from a press conference:

Within minutes of the verdict, Mr. Kelly stood before reporters outside the Brooklyn Public Library, where he was scheduled to testify before a House Homeland Security subcommittee on transit security. **He spoke about the verdict, if only to say he would not talk about it.**

**"I can't have a reaction,"** he said, explaining that besides being the person who must **determine what discipline is appropriate for the officers involved, the United States**

**attorney's office had also asked him to wait.** He mentioned that the city expected calm and that the police were prepared for any contingency, and then went into the hearing.<sup>14</sup>

The overall meaning of the excerpts above is clear: The NYPD again cannot give a reaction to the shooting. Both the vocabulary and the communication strategies used are again cautious and non-committal, while the overall tone is factual and void of emotions. The perception of 'indistinctiveness' is hence reiterated: The police commissioner does not communicate about any details of the shooting, and moreover, he merely refers to what happened by using the non-individuating wording of 'this case'. He does not speak with empathy; his communication is again factual.

In the interview held with Mr. Browne, the NYPD's chief spokesman responds to some of the observations made in this subsection:

***Personal interview held with Paul Browne (October 2009)***

Mr. Browne commenting on my observation that the NYPD's quotes in the *New York Times*' coverage do not comprise references to the names of the victims:

"One of the problems with this job, it is so intense day to day, I have never had the opportunity to go back and look at the coverage with some perspective you know. But I **haven't noticed that, it's kind of odd, because it was a name I was using all the time.** But I don't know what the significance is of that."

[...] **"I would be meeting with reporters everyday and the name Sean Bell came up all the time.** I worked 18 days straight without a day off, without a Saturday or Sunday off in the immediate aftermath of this case."

Mr. Browne responding to my question on whether the NYPD publicly expressed sympathy to the Bell family, as such expressions are not printed in the *New York Times*:

**"Absolutely he [Police Commissioner Kelly] expressed his concern for the family and that was in countless community meetings where that was repeated often. If you read the whole *New York Times* and haven't found [an] expression of concern to the family, then that's a failure in their reporting [...]** because I was at community meetings where he said that and the press was in attendance."<sup>15</sup>

Mr. Browne not only says that he was unaware of the nondescript and distant character of the NYPD's communication following the Sean Bell shooting, he also points out that this specific characteristic was not premeditated, and moreover, was possibly shaped by the media. Nevertheless, for the purpose of this research, it is more important how the communication comes across to other stakeholders, than how communication is intended, or which entity is responsible for the end product of communication. While it is unlikely that the police commissioner never expressed sympathy to the Bell family (although not one single article with such an expression can be found within the selection of sources), and moreover, the department must have referred to the victims by their names on a variety of occasions, it can nevertheless be deduced that the Police Department did not focus on this

in its communication — contrary to the mayor, who was quoted numerous times expressing his sympathy to the family and making other empathetic statements.

It is interesting how, during the interview with Mr. Browne, some of the elements of the department's public response to the shooting reoccurred. For example, during the interview, Mr. Browne does not make any references to the large number of shots fired, in stark contrast to the interviewed police critics. The number '50' does not occur once. While Mr. Browne does mention the victims by name during the interview, he also uses nondescript/non-individuating references such as the ones mentioned above. Take for example the following excerpt:

***Personal interview held with Paul Browne (October 2009)***

Mr. Browne:

"I think if anybody surveyed *New York Times* readers on **that particular story** they would find that the police were at fault and [the *New York Times* readers were] sympathetic to the **casualties in that shooting**."<sup>16</sup>

The references to 'that particular story' and 'the casualties' illustrate how the communication of the NYPD can be nondescript in different settings, including in an interview.

**Summary**

In short, the analysis in this subsection has demonstrated that although the non-committal and nondescript approach of Police Commissioner Kelly and his communication team might seem to impede insight into the perceptions and images held and constructed by the New York Police Department, it is in fact this character itself that provides more information about these perceptions and images. In stark contrast to the powerful and prominent message that emanates from police critics' labels, the Police Department projects a different, more concealed, image of the shooting into its communication. The constant reiteration of nondescript and non-emotional words such as 'case', 'event' and 'situation', as well as the omission of the name Sean Bell, the exact number of shots fired, and other vital details, reveal the NYPD's perception that facts, statistics, broader patterns and processes are more important than emotions and — in a general sense — the personal 'human interest' side of the shooting. In short, the shooting is seen as 'indistinctive'.

The reiterative character of the non-committal, nondescript and non-emotional perceptions results in the creation and perpetuation of the label 'this event'. This depiction used by Mr. Browne clearly demonstrates his perception of the shooting as indistinctive, better even than Mr. Kelly's apologetic remark 'I can't have a reaction'. The label 'this event' linearly opposes the personal, emotional, and weighty character of police critics' labels. For example, the way the word 'this event' downplays the importance and magnitude of the shooting starkly contrasts with the label '50 shots', which emphasizes both the importance and magnitude of the shooting. The label also downplays the

humanizing and communally felt sentiments of love, hurt and victimization that are part of the ‘I am/We love Sean Bell’ labels.

The effect that the label has on the further development and reiteration of perceptions differs from the police critics’ labels. Although the label is reiterated, this is not done to the extent that the police critics’ labels are. The agenda-setting function is thus considerably reduced, although the label ‘this event’ does deflect the powerful agenda-setting perceptions and images felt, created and reiterated by police critics.

The approach described in this subsection can only be seen as an indirect and not a direct response to these powerful police critics’ labels; such direct reactions will be discussed in the next subsection.

### **2.1.2 Opposing labels: Seconds, order, and peace versus shots, lawlessness and unrest**

Another way to examine the perceptions and images held and constructed by the NYPD is to see how the organization reacts to the powerful labels created and perpetuated by police critics: Although the Police Department does not want to comment on the shooting, it is still confronted with the perceptions created by police critics, which sometimes compel the NYPD to respond. This time, it is even harder to separate the discussion of positioning from that of the perceptions, as the perceptions conveyed by the NYPD are a literal — and disparate — response to the images conveyed by the police critics, clearly revealing the positioning of the department. Overlap is thus impossible to avoid.

This subsection will hence look at the Police Department’s responses to the labels ‘50 shots’, ‘I am/We love Sean Bell’, and ‘No justice, no peace’.

As discussed in Part II, Chapter 1, the label ‘50 shots’ captures the police critics’ perceptions of the shooting and the involvement of the implicated officers in this. The most pronounced component of ‘50 shots’ is its inherent emphasis on the number of shots fired. It is interesting to see how the Police Department deals with this symbolic number. Take for example the following statements made by Police Commissioner Kelly and a police official:

#### ***Just after the shooting (November–December 2006)***

Police Commissioner Kelly speaking on a NY1 political talk show (November 27):

“The mayor is certainly entitled to his opinion. [...] I think we need an in-depth examination of all the facts. It is **unusual** to have **this number of shots fired**.”<sup>17</sup>

A *New York Times* excerpt concerning a police official responding to reporters’ questions on the shooting (first week of December):

[An] official said that some of the five officers who fired shots **probably** faced greater potential criminal liability than others. Although the number of shots fired has provoked outrage, **50 shots can be squeezed off in a matter of seconds**, making the number of bullets fired less important than **what started the shooting**.

“There is **nothing in the law** that says you can use **deadly force but only fire a certain number of shots**,” that official said. “The **number of bullets is certainly startling to the general public**, but the key question is why was the **first shot** fired by each of them.”

“You **can’t** view **this** as **monolithic**,” the official said. “It’s **five individuals** who made five **individual decisions**.”

“The **most important thing is the first shot**,” he said, “**not that** the others aren’t important. But the most important is the first shot.”<sup>18</sup>

Both excerpts above respond to the ‘50 shots’ label, the latter more directly than the former. In the first statement, Police Commissioner Kelly indirectly admits that the 50 shots fired is a comparatively large number. However, his remark is not emphatic, especially when seen in the context of the remainder of his statement, in which he focuses on an in-depth investigation and refrains from further evaluating and characterizing the shooting. Typical in this context is that the commissioner doesn’t mention the number ‘50’ here or elsewhere in the selected *New York Times* articles. He merely uses the word ‘unusual’ which puts more emphasis on the ‘usual’ way of conduct, than on the unusual aspects of the Sean Bell shooting. The word ‘unusual’ hence says more about the interpretative framing of the shooting within a broader pattern of ‘usual conduct’ (see Subsection 2.2.1) than about the NYPD’s perception in regard to the shooting, and moreover, is a strategy to delineate the NYPD’s reality, while anticipating and dismissing the framing held by police critics that the shooting is yet another example of excessive police violence (see Subsections 2.3.2 and 2.3.4).

In the second excerpt, the remarks made by the police official also provide important clues on how the shooting is perceived by the NYPD. The quote is a direct response to the perceptions held by the public and captured in the label ‘50 shots’ (‘the number of bullets is certainly startling to the general public’). Yet contrary to how the police critics focus on the symbolic number ‘50’, the police official lays emphasis on the first shot, thus gainsaying the powerful message emanating from the ‘50 shots’ label. The magnitude of ‘50 shots’ is further diminished by the remark that ‘50 shots can be squeezed off in a matter of seconds’, thus ‘making the number of bullets fired less important than what started the shooting’. Moreover, his statement that ‘the number of bullets is certainly startling to the general public’ indirectly implies that this number did not necessarily startle the Police Department. In addition, by saying that there is ‘nothing in the law’ that says that a police officer ‘can’t fire a certain number of shots’, the police official downplays the lawlessness inherent in the police critics’ label ‘50 shots’. Put differently, ‘50 shots’ and its inherent lawlessness are not part of the perceptions held by the NYPD.

What is striking is that his statement is both reactive and void of emphasis. Whereas police critics seek to emphasize the magnitude and lawlessness of the case and the actions of the detectives involved by focusing on the number ‘50’, the statement above does not seek to refute this image by using an equally emphatic counter-image. Instead of presenting a new image of equal magnitude, the

police official mainly downplays the magnitude and lawlessness inherent in the label ‘50 shots’, just as it does with its overall indistinctive response to ‘this event’.

Yet by looking more closely at the language used by the police official, new perceptions and images come to light. Apart from the new focal point (‘the first shot’), and the focus on ‘order’, the police official conveys personal perceptions and images of the detectives involved in the shooting. More specifically, while the ‘50 shots’ label provides a depersonalized and monolithic account of the detectives and their culpability, the police official says that the functioning of police cannot be viewed as ‘monolithic’, while he also speaks of ‘five individuals’ and ‘five individual decisions’, who have to act within a short time frame (‘seconds’). Although this way of looking at the police officers differs markedly from the depersonalized way the police critics look at them, it is important to note that this personalization is still quite modest in comparison to the profound humanization conveyed by the police defenders, as will be discussed in the next chapter.

In addition to this personalization, the police official conveys his perception that facts, statistics, broader patterns and processes are more important than emotions, although he does admit that the general public might see this differently.

On a rhetorical level, the word choice is cautious and also nondescript. The police official refers to the shooting with the word ‘this’, while omitting references to Sean Bell or other details of the case, underlining the label ‘this event’. It is noteworthy that — apart from the police official’s statement — no other direct comments can be found within the selected *New York Times* articles on the total number of shots.

Besides the police official’s statement above, the police also (indirectly) respond on other occasions to the lawlessness component inherent in the label ‘50 shots’. An example of such reaction can be found in Commissioner Kelly’s official statement after the acquittals, and Mr. Browne’s response to the protests held:

#### *Just after the acquittals (April–May 2008)*

An excerpt from Mr. Kelly’s official statement (April 25):

There have been **no problems**. Obviously there will be **some people** who are **disappointed** with the verdict. We understand that. We have had **no history of violence** since this incident began as far as the vigils, the memorial services are concerned. **We don’t anticipate violence** but **we are prepared** for any contingency.

**We have prepared**. We have done some drills and some practices with the appropriate units and personnel if there is any violence. But again **we don’t anticipate violence**.<sup>19</sup>

Mr. Browne commenting on the ‘pray-in’ protest marches (7 May):

“As anticipated, **it was not violent and there was some traffic disruption**,” Mr. Browne said. “But both the civil disobedience and the resulting arrests were conducted in an **orderly fashion**.”<sup>20</sup>

While the perceptions held by police critics concerning the NYPD's unruliness in fact involve a different setting, these perceptions are still — indirectly — countered by images of a competent force that does not make rash decisions, but has 'prepared for any contingency'. On a rhetorical level, Commissioner Kelly uses dogmatic assertions while repeating his statements several times in order to amplify the images of preparedness ((twice) 'we have prepared').

On a broader note, the statements give insight into how the NYPD sees itself: as a professional and stable organization that is on top of the process.

The police also respond to other powerful images conveyed by police critics, although less frequently and less directly. This subdued response, in which not much information is provided concerning the victims in the shooting (in contrast to 'I am/We love Sean Bell') and their objectives (in contrast to 'No justice, no peace') can be seen as an extension of the label 'this event' and its inherent indistinctiveness. However, some indirect responses to the police critics' labels 'I am/We love Sean Bell' can be found in the communication conveyed by the NYPD, such as the statement made by Police Commissioner Kelly and Mr. Browne, discussed just now. Besides refuting the image of lawlessness, the statements above also counter several other images brought up by the police critics.

To start with, the anger and emotions emanating from the labels 'I am/We love Sean Bell' and 'No justice, no peace', and from the statement 'We can be angry without being mad' are countered in the statements above, without actually referring to the existence of these labels. In his remarks the commissioner says there have been 'no problems', and there has been 'no history of violence'. Of course, Police Commissioner Kelly refers to the physical component of the array of methods used by police critics to respond to police issues, Yet by stressing that there are no problems, without referring to the reasons why problems might occur, and by saying there will be 'some people' who are 'disappointed' with the verdict, he largely ignores the anger felt by community members, while creating a peaceful image that opposes 'No justice, no peace'. The depersonalized character of 'some people' linearly opposes both the scale of the protests held, and the universality of the label 'I am Sean Bell', diminishing both the magnitude and the emotionality of this deeply personalized label. In addition, the word choice 'disappointed' counters the highly emotional and emphatic remarks in reference to community feelings such as 'it was a powder keg', or a 'grave crisis'. This indistinctive perception of the broader group of police critics in fact is an extension of the equally indistinctive set of perceptions of the shooting and its victims.

It is important to note that the statements above refute the images of both police lawlessness and community anger, by looking at events that take place after the shooting instead of the shooting itself. This is partly due to the choice of communication moment, yet such choice is unavoidable as the NYPD hardly speaks about the shooting itself.



## **Summary**

In short, this subsection has demonstrated that the Police Department on the one hand reactively responds to existing police critics' labels by refuting perceptions in regard to the magnitude of shots fired, culpability and lawlessness of the officers (and in a broader sense the police), and on the other by refuting the magnitude of the group who is angered about this, as well as the feelings of anger themselves.

The analysis of the NYPD's reactions furthermore shows how the organization perceives the (blame for the) shooting as more 'complex' and the officers themselves as more 'personal' than the police critics did ('50 shots'), while, conversely, the organization perceives the police critics and their anger in an indistinctive way (as opposed to 'I am/We love Sean Bell'). The uncloaked images that surface are 'unusualness', 'seconds', 'order' and 'peace'. However, they are only marginally embedded in the non-committal communication conveyed by the NYPD, and therefore are different labels from the profound symbols captured and reiterated by the police critics.

### **2.1.3 Conclusion**

The preceding discussion of perceptions and images held, constructed and conveyed by the Police Department first shows that such perceptions and images are difficult to pin down due to the NYPD's non-committal communication approach. By looking more closely at the organization's proactive statements on the shooting and its reaction to police critics' labels, which occurred during the press conferences convened by the NYPD, as opposed to the reactive responses to reporters' questions, it is the caution itself and the nondescript and non-committal word choice that reveal how the police see the shooting and its victims, as well as the broader movement in support of the victims, as 'indistinctive'. These thoughts are captured in the label 'this event'. Conversely, the Police Department perceives the implicated officers, as well as the performance of the police as a whole, in a more 'distinctive' fashion. While Mr. Kelly is officially saying 'he can't have a reaction', the NYPD on a deeper level labels the shooting with the characteristics of 'unusualness' and 'seconds', and, in addition, it characterizes its own conduct, and the events that take place after the shooting, by the notions 'preparedness', 'order', and 'peace'.

No passionate and rousing oratory is used; the statements are void of emotion; no specific details are provided in regard to the shooting. The NYPD's communication is nondescript: It does not refer to Sean Bell, Joseph Guzman, or Trent Benefield, or to any other details of the incident. Similar to how '50 shots' portrays a depersonalized image of the police, the nondescript statements made by the NYPD result in a depersonalized image of the victims, as well as of the shooting itself, which is depicted as a statistical anomaly. Thus, in stark contrast to the powerful and prominent message that emanates from police critics' labels, the Police Department communicates a different, much less

blatant image of the shooting. The label ‘this event’ therefore linearly opposes the personal, emotional, and weighty character of police critics’ labels.

As part of spontaneous discourse, the perceptions conveyed by the NYPD are a reflection of a reality in which facts and processes are more important than emotions; this is further discussed in Subsection 2.3.3. The perception that the shooting is ‘indistinctive’ fits within this reality, as it is the processes, and not the case itself, that are important. As strategic discourse, the approach is a method for deflecting the powerful agenda-setting perceptions and images felt, created and reiterated by police critics, as further discussed in Subsection 2.3.4. The constructed perception of indistinctiveness therefore helps to deflect police critics’ labels and is typical of evasive ‘PR communication’.

## 2.2 Framings

This section examines how police defenders interpret the shooting of Sean Bell within a framing of broader developments and issues. The NYPD is again less outspoken in conveying its interpretation of the shooting than the police critics are, yet clues to the framing can certainly be found in the selected *New York Times* articles. While the NYPD does not proactively communicate its framings of the shooting, clues can be found in the department's response to the police critics' framings, and to reporters' questions in general. In addition, the NYPD more openly conveys its interpretation of the shooting when Sean Bell is not the main topic of discussion, but merely a side-topic, and the NYPD apparently feels more at ease to speak out.

The analysis in this section is divided into that of the interpretative framings of the shooting (Subsection 2.2.1), and that of the interpretative framings of the aftermath of the shooting (Subsection 2.2.2).

### 2.2.1 Framing the shooting: Process, statistics, routine, and police uniqueness

While the police critics emphasize the historical and organic magnitude of patterns of police misconduct and racial injustice in their framing of the shooting, the framing by the NYPD seems the polar opposite of the former. This converse character mainly comes to light when the department is confronted with the interpretative framings of police critics in press conferences or when critical questions are raised by reporters. The following statements give more insight into the NYPD's framing, in which not only this converse character comes to light, but also the fine line between the department's perception of the shooting and broader framing:

#### *Just after the shooting (November–December 2006)*

An excerpt concerning Police Commissioner Kelly's initial response (last week of November):

And on Monday, the commissioner calmly answered his critics at a private meeting with black leaders and department critics, including one who called for Mr. Kelly's resignation. **He also found himself standing by as Mayor Michael R. Bloomberg described the 50 shots that killed Mr. Bell as unacceptable.**

Later that day, on an NY1 News political talk show, Mr. Kelly was no longer discussing [Al-Qaeda] sleeper cells and was instead trying to address all sides in the Queens case.

"The mayor is certainly entitled to his opinion," he said on NY1. "I think we need an in-depth examination of all the facts. It is **unusual** to have this number of shots fired."<sup>21</sup>

A *New York Times* excerpt (last week of November):

**Statistically**, the shooting is **an aberration**. The number of shots fired per officer who acted in the 112 shooting incidents this year, through Nov. 19, is 3.2, said Paul J. Browne, a department spokesman. Last year, that number was 3.7 shots fired per officer in 109 incidents. They are down from 4.6 in 2000 and 5.0 in 1995.<sup>22</sup>

A *New York Times* excerpt (first week of December):

Police officials have acknowledged that the **conduct of the undercover detective** — for example, in taking action rather than relying on backup, and in firing at a moving car — was **unusual**.<sup>23</sup>

The excerpts above show how the Police Department lays explicit emphasis on the unusual character of the case: Not only is the number of shots ‘unusual’ and ‘an aberration’, but also the conduct of Detective Isnora. Before discussing these quotes more deeply, it is first interesting to see how this focus on the anomaly of the shooting is further underlined in the NYPD’s response to a series of police encounters and shootings that occurred just after the Sean Bell shooting, as the following statements demonstrate:

***Just after the shooting (December 2006)***

A *New York Times* excerpt on the shooting of a man by two gunmen, and the following chase by New York Police Officer Castro (first week of December):

Within hours of the arrests, the Police Department, which has come under scrutiny after the shooting death of an unarmed man, Sean Bell, by the police last weekend, lauded Officer Castro for “**showing great restraint**” because he had not fired his gun.

“**He demonstrated remarkable calm under the circumstances,**” said the department’s chief spokesman, Paul J. Browne. “**This is far more routine, arrests without incident.**”<sup>24</sup>

A *New York Times* excerpt on the police shooting of Wayne Bolton, which took place just after the Sean Bell incident:

With his department under scrutiny for the fatal shooting of an unarmed man two weeks ago, Police Commissioner Raymond W. Kelly yesterday defended an officer’s decision to shoot a man who was holding a gun in a Queens parking garage on Friday night.

The man, Wayne Bolton, 24, **was the third person shot by city police officers in three days**, though the Police Department said each instance was justified because the three were armed. Mr. Bolton was in stable condition yesterday at Elmhurst Hospital Center, according to the police. Meanwhile, Mr. **Kelly made a point of addressing — and defending — Friday’s shooting** on his way to a police holiday party, **underscoring the department’s perceived need to explain its actions.**

[...] Mr. Kelly said that despite the recent instances, **the number of people shot by the city’s police officers was down from last year**. So far this year, he said, **31 people have been shot, 3 fewer than during the same period last year.**

“**They sometimes come in spurts, they sometimes come in groups; that’s the way it is,**” he said. “**I think it underscores the dangers that police officers face.**”<sup>25</sup>

In the excerpts above, the NYPD again focuses on the aberration of the shooting, by setting it against ‘routine’ procedures. This strong and repeated emphasis on ‘aberration’ makes the word a potential label for the perceptions of the NYPD on the incident itself, as pointed out in the previous section. However, this label is far less thoroughly executed and deeply entrenched in the NYPD’s communication than the police critics’ labels on the shooting. Although the mayor and his team of

spokespeople consequently refer to the anomalies of the shooting, they don't seek to perpetuate proactively this image in the same way as the Rev. Al Sharpton and other community members do for the '50 shots' and 'I am/We love Sean Bell' labels. So, while the word 'aberration' might capture the perceptions of the NYPD on the shooting, the label does not resonate in the way the police critics' labels do.

Moreover the 'unusual' nature of the shooting is not appraised and only scarcely characterized by the NYPD. In fact, the characterization says more about the 'usual' scheme of events, practices and modus operandi than it does about the unusualness of the Sean Bell shooting. Phrased differently, the statements above provide more insight into the framing of the incident than into the perceptions and images about the shooting.

This framing is the polar opposite of that of police critics. By implying that the Sean Bell shooting is an aberration, the NYPD not only refrains from placing the case in a deep/broad historical or organic framing of police misconduct and racial injustice, it moreover interprets the case as an anomaly within a broader pattern of continuous improvement, professionalism and of superiority in comparison to other cities. This broader framing hence has both a historical and an organic component. Thus, while the 'aberration' is a label that only to a limited extent captures the perceptions of the shooting itself, the 'routine' of which the Sean Bell shooting is an aberration can be seen as the interpretative framing of the shooting. This routine is marked by 'calmness', restraint in shootings, and 'arrests without incidents'.

The framing constructed by the Police Department puts heavy emphasis on statistics to interpret the Sean Bell shooting and other incidents. This statistical interpretation differs from the police critics' emotional case-by-case method of interpretation. Differently put, while police critics interpret the current shooting from within a broader framing of individual and communally felt hurt that emanates from each of the previous police-violence cases individually, the NYPD interprets the Sean Bell shooting as a case number, part of the overall pattern of shootings. Police Commissioner Kelly's remark that 'They sometimes come in spurts, they sometimes come in groups; that's the way it is' ignores the reality held by police critics.

The pattern of shootings itself is presented as an incontrovertible fact. In other words, by saying 'that's the way it is' the police commissioner abdicates responsibility for this pattern, while saying — as a deterministic proposition — that the pattern is practically unchangeable, as it is influenced by the 'dangers that police officers face' — a notion that will be further explained below.

Because the police critics heavily emphasize the racial component in the pattern of police misconduct and general injustice, it is also interesting to see how important race is in the interpretation of the NYPD.

References to race are rare in the communication conveyed by the police throughout the aftermath of the shooting, indicating the minor importance of race in the interpretative framing by the Police Department. In fact, the NYPD does not bring up the issue proactively, but rather responds reactively to critics' questions. These sparse references to race in the NYPD's communication, however, do give more insight into the racial dimensions concerning the interpretation of the shooting:

*Just after the shooting (November 2006)*

An excerpt on events immediately after the shooting:

The shootings reverberated with echoes of the 1999 police shooting of Amadou Diallo, an unarmed street vendor and Guinean immigrant who was killed in the vestibule of his Bronx apartment by four police officers who were later acquitted of criminal charges in his death. **That killing raised questions of racial profiling and excessive force by the police.**

One police official **denied any racial motivation** in yesterday's shooting and **said that two of the officers involved were white, one Hispanic and two black.**<sup>26</sup>

*After the release of quarterly stop-and-frisk data (May 2008)*

A *New York Times* excerpt:

Despite criticism about aggressive policing, New York City police officers stopped more people on the streets during the first three months of 2008 than during any quarter in the six years the Police Department has reported the data.

The 145,098 stops from January through March — up from 134,029 during the same quarter a year earlier — led to 8,711 arrests and put the Bloomberg administration on course for the highest annual total. The numbers also reflect an increased reliance on a practice that has become an emotional flashpoint, particularly after the fatal police shooting of Sean Bell in 2006.

[...] To police officials, the practice of stopping civilians on the streets, to question and search them — sometimes looking for illegal guns — is **just one of many crime-suppression tactics**. The increased number shows that the department is standing by its strategy as a worthy practice, people in and outside of city government said.

**“Stop-and-questioning or stop-and-frisks of individuals in connection with suspected criminal activity is an essential law enforcement tool,”** said Assistant Chief Michael Collins, a police spokesman. **“The number of stops conducted by police officers is driven by the situations they encounter on patrol.”**<sup>27</sup>

Although the Police Department denies ‘any racial motivation’ in the shooting, the shooting is still interpreted from within a racial framing. This interpretative framing, however, is not a personal choice, as the reactive character and the overall sparse amount of references to race illustrate. Instead, this racial framing seems imposed upon by the powerful communication of the police critics’ interpretative framing: a reality that the Police Department cannot ignore or deny.

Yet the racial framing used by the Police Department does differ from that of the police critics. First, it largely ignores the historical and organic dimensions of perceived police misconduct

and racial injustices. More specifically, race is not viewed from within the historical context of ‘300 years’ of injustice, or from the organic context that some police are perceived as ‘culturally ignorant’ and ‘racially insensitive’. Instead, race as a factor in police encounters and shootings has a much narrower context within the NYPD’s interpretative framing, and is determined by the color of the detectives involved in the shooting, or in a broader sense, by the organization’s own interpretation of stop-and-frisk statistics. The statement that the Sean Bell shooting was not racial, because ‘two of the officers involved were white, one Hispanic and two black’ is a much narrower framing than the police critics’ interpretation that the detectives were representing the police and that the police represents the white ‘them’ opposing the black ‘us’. Moreover, the statement that ‘the number of stops conducted by police officers is driven by the situations they encounter on patrol’ does not acknowledge the reality that people in black neighborhoods feel singled out by the police and that the overall high stop-and-frisk rates contribute to this perception.

The racial dimension of the interpretative framing is thus historically and organically limited in the sense of police misconduct and racial injustice patterns. Previous cases are simply not mentioned. Moreover, the racial dimension is interpreted from within a statistical factual framing in which race is just a parameter in the overall pattern of shootings, and not a feeling, method of identification, or sense of being.

On a rhetorical level, dogmatic assertions are used to reject the accusations of racial injustices. Apart from that, the statements are rather nondescript (the references to statistics excepted), non-emotive, factual and impersonal, the latter also illustrated by the fact that they are uttered either by ‘a police official’ or by Mr. Browne, and not by Police Commissioner Kelly.

Besides framing the shooting in its totality, the NYPD also interprets the conduct and specific role of the police in the Sean Bell shooting from a broader perspective. This reality is marked by a historical pattern of continuous improvement, professionalism and superiority in comparison to other cities, and an organic pattern of ‘calmness’, restraint in shootings, and ‘arrests without incidents’, as discussed previously, but also by other elements, as the next statements expose:

#### *An internal NYPD poster*

**“Cops rid the streets of murderers, drug dealers, thieves, and all too often themselves. [...] If you’re a cop in need of help, call the NYPD Early Intervention Hotline.”**<sup>28</sup>

#### *Just after the shooting (December 2006)*

Police Commissioner Kelly on sudden spurts of shootings:

**“They sometimes come in spurts, they sometimes come in groups; **that’s the way it is.** [...] **I think it underscores the dangers that police officers face.**”**<sup>29</sup>

*At the commissioning of the RAND investigation into the effectiveness of the NYPD's firearms training (January 4, 2007)*

Police Commissioner Kelly speaking at the announcement that the NYPD commissioned the RAND Corporation to assess the New York City Police Department's firearms training and firearms discharge review process:

**"A police officer's split second decision to use deadly physical force has enormous consequences and is the weightiest responsibility conferred by law."**<sup>30</sup>

*In between the indictments and the trial*

Police Commissioner Kelly quoted on the use of guns:

Mr. Kelly, who fired his gun three times as a young beat officer, said he gained an acute awareness that bullets fly in **unintended directions**. "You're running around **and the adrenalin is surging**, and, quite frankly, sometimes that's the attraction of it," Mr. Kelly said. **"But you also have to exhale and think."**<sup>31</sup>

*After the release of figures on racial diversity in the top segment of the force (May 9, 2008)*

Police Commissioner Kelly in response to new figures indicating that the number of African Americans among the estimated 700 officers in the department's top tier did not change from 2002 through 2007:

"I think we have the best community relations that we've ever had, and I think a lot of it has to do with diversity. [...] Will there be some tensions, in some places? Yes, because of the **nature of what we do. No other agency does what we do**. That is, we're charged with the responsibility of enforcing the law, of sometimes using force. Yes, **sometimes using deadly force, giving out summonses, being the bearers of bad news.**"<sup>32</sup>

*Personal interview held with Paul Browne (October 2009)*

Mr. Browne:

**"The nature of our job in the Police Department is telling people things they don't want to hear ... move your car ... arresting people ... coming into people's homes when a spouse is fighting with her husband, when a husband is beating his wife. She calls the police, by the time we get there, she doesn't want us to arrest him, she says wait a second, he has to work tomorrow, but we by law MUST arrest him, we have to take him out of the house. So in the community [we] are doing things that people don't like, that is the nature of our job."**<sup>33</sup>

The statements above first make clear that, in the interpretative framing constructed by the Police Department, the work and mandate of the NYPD in general are unique. This is conveyed both directly ('no other agency does what we do') and more indirectly ('A police officer's split second decision [...] is the weightiest responsibility conferred by law.'). This latter statement specifically links the use of force to the unique nature of the police.

This uniqueness has different outcomes. First, it is likely to cause tensions, which the Police Department is not chiefly responsible for. Put differently, it is the unique mandate of the police that causes the tensions in the community, not the police or the use of force in itself. This latter supposition is demonstrated in the deterministic proposition 'that's the way it is', but also in Mr.



Kelly's statement, in which the 'weight' of the use of force, in addition, is somewhat diminished by its pairing with activities such as 'giving out summonses' and 'being the bearers of bad news'. Similarly, Mr. Brown does not mention the use of force in the excerpt above, but euphemistically points out that the nature of our job in the Police Department is telling people things they don't want to hear. Both statements can be seen as strategies to downplay the notion that the use of force has a negative effect on police–community relations, while at the same time emphasizing that it is the uniqueness by itself that causes tensions in the community.

Second, within this interpretative framing, the uniqueness of the work also results in a vulnerable position for the police officer. Not only do the police 'all too often' 'rid the streets of themselves', they are also the 'bearers of bad news' in communities. Police shootings thus underline the 'dangers that police officers' are facing. Instead of culpability, the department's framing comprises a sense of potential victimization, merging the weight of the work with the vulnerability of the officer.

Besides being an aspect of the unique character and mandate of the NYPD, the responsibility for shootings and their unruly character can also be found within other 'external' factors in the department's framing. Although the NYPD in its interpretation of police conduct admits that shootings often have an unruly character, it is the 'murderers, drug dealers, and thieves' who rule the streets, and not the police, who are the culprits of this unruliness. The use of the word 'street' has a special function in this sense. Interesting in this context is the following definition provided by colloquial speech scholar Irving Lewis Allen, who researched the historical and cultural dimensions of the word's usage in New York:

"For the middle class, the meaning of failure was to fall from, or to be cast out of, the private sphere without the shields of either status or money — *Naked in the streets*, as the expression has it. The phrases *to be out on (or in) the streets*, possibly *to be thrown out on (or in) the streets*, is to say that one has **fallen from the protection** and comfort of the private and the semi-private spheres of city life and is without money, a job, middle-class respectability, or choices. One is then completely vulnerable to the city. **Anything can happen in the streets, and it is usually bad.**"<sup>34</sup>

Mr. Allen's theory is supported by the language displayed on the police poster in which the notion of 'streets' is linked to 'murderers, drug dealers, and thieves'. In addition, the statement also shows how the police are deprived of protection in the streets, further emphasizing their vulnerable position. The notion of 'the streets' occurs frequently in NYPD communication, and even more in that of police defenders, as will be discussed in the next chapter. Thus, while the realities held by police critics and the NYPD are alike when lawlessness and unruliness is concerned, interpretations diverge in regard to the culpability for this lawlessness and unruliness.

Within the interpretative framing held by the NYPD on its own conduct, predetermined external factors are thus important: It is the existing unruliness that causes the potential unruliness

within the police, forcing them to make ‘split second decisions’, in which ‘bullets can fly in unintended directions’.

What is also striking in the statements above is that the shootings are interpreted from a self-centered perspective of personal experience. The personal account of Police Commissioner Kelly is telling in this context: ‘You’re running around and the adrenalin is surging’. This self-centered perspective is even more pronounced in the interpretative framing of police defenders, as will be discussed in the next chapter.

Although less obviously visible than the police critics’ ‘us-versus-them’ framing, the NYPD’s interpretation of the shooting comprises a multilayered ‘us-versus-them’ component. Not only is the unique nature of the police set against that of other organizations, the individual police officer is also pitted against unruly elements in the streets. This framing has both an organic and a historical component, although the Police Department lays more emphasis on the first. Their ‘us-versus-them’ framing is different from the ‘us-versus-them’ framing constructed by police critics, in that it does not comprise components such as race and the civil rights movement. However, the NYPD’s framing does comprise elements of victimization, similar to the police critics’ framing. On a rhetorical level, the focus on ‘we’ reinforces the ‘us-versus-them’ interpretation of police conduct.

As a final point, it is important to note that the quotes on the conduct of the police are not directly made in reference to Sean Bell, but appeared in articles in which Sean Bell was also mentioned. It seems as if the Police Department speaks more freely about the interpretative framings of police shootings, when such shootings are not directly mentioned. In comparison, such remarks were not made in the official statements on the Sean Bell shooting itself or after the acquittals of the detectives. This underlines the overall cautious communication approach discussed throughout this chapter.

## **Summary**

This subsection has demonstrated how the NYPD — from both a self-centered and statistical perspective — interprets the shooting as an aberration and case number, part of a historical pattern of continuous improvement, professionalism and of superiority in comparison to other cities, and of an organic pattern of calmness, restraint in shootings, and arrests without incidents, in which the unique character of the police, as well as the unruliness and lawlessness in the streets, are responsible for the incidents that do occur. The role of the police at large is thus rather that of a potential victim than that of a perpetrator. In addition, the unique character of the police pits the organization against other organizations, and the individual officers against unruly elements in the streets. Racial aspects of the shooting and police conduct in general are not interpreted as part of a historical or organic pattern of racial injustice, but instead are narrowly interpreted by looking at the race of the implicated officers, or in a broader sense, by the organization’s own interpretation of stop-and-frisk statistics.

### 2.2.2 Framing the aftermath of the shooting: A history of proper and professional conduct

This subsection looks at how the Police Department interprets the aftermath of the shooting, and to which extent this interpretation overlaps with the police critics' framing of this aftermath within the civil rights movement against systematic judicial and political failures.

When scrutinizing the available discourse, what the NYPD doesn't say is more striking than what it does say. Whereas police critics refer to a history of failures on behalf of the police in dealing with police-violence incidents, the NYPD rarely refers to history, and then only to prove the opposite. The shooting of Amadou Diallo is not mentioned, nor is its aftermath. The NYPD in fact rarely speaks from either a historical or organic viewpoint about the processes that followed the shooting. This lack of emphasis is telling in the light of a strategic PR perspective: Whereas the police critics aim to underline the historical and organic magnitude of the failure, it is to the advantage of the NYPD to downplay this magnitude. From a more 'spontaneous' perspective, the lack of emphasis shows how the Police Department believes that the handling of the current case should stand on its own, and that history should not be confused with current events. Also, it could indicate that the department has a neutral/positive attitude to previous or broader processes that take place after a shooting, and that it hence does not see the need to mention or underline them.

The following excerpt depicts one of the few occasions that the NYPD does refer to a broader historical framing to interpret the aftermath of the shooting:

#### *Just after the shooting (November 2006)*

A *New York Times* excerpt on the role of Police Commissioner Kelly in the aftermath of the shooting (last week of November):

Police Commissioner Raymond W. Kelly has overseen the streets of New York for the last five years in the style of a global warrior against terrorism. With a self-confidence that strikes some people as imperious, and some as impressive, Mr. Kelly has created a network of police officials overseas, recruited former CIA officers and built a 1,000-member terror unit.

Yet over the last few days, Mr. Kelly has had to return to an earlier, less-novel role: the face of a police department involved in yet another public furor, this one a fatal shooting that has the makings of a combustible controversy involving race, politics and the police use of deadly force.

[...] **"I think you build relationships**, and you can go back to other incidents perhaps where people relied on something I've said or I've done, and hopefully that's built up a certain level of trust," Mr. Kelly said. "You hope that is something that is going to play a role."

**"I've always prided myself on being forthright and open** with the community, and not holding very much back — what you see is what you get with me," he added.

[...] Mr. Kelly said he has **a long history inside** the department and as a government official in Washington of **improving** the culture of agencies, **combating** racial profiling, and **holding** his own people accountable. He also said his **diplomatic skills** in times of crisis **have not**

**atrophied** in the years that his focus has been pulled toward domestic security, an effort that is without precedent in the department.

He cited the case of Timothy Stansbury Jr., the unarmed 19-year-old who was fatally shot by a police officer in Bedford-Stuyvesant, Brooklyn, in 2004, as an instance in which, early on, he judged a shooting to be unjustified.

**“In the Stansbury case, we had information because of statements from the non-shooting officers, so we put out the information,” Mr. Kelly said. “We don’t have enough information yet in this case. I make a determination about what to say based only on the facts.”**<sup>35</sup>

In the excerpt above, the police commissioner first interprets his own role in the aftermath of the shooting, and indirectly that of the department, from within a historical framing of competence, openness, diplomatic skills, accountability and the ability of building relationships and dealing with police–community problems. By referring to a previous case, the police commissioner aims to show that the NYPD in the aftermath of shootings has made considered and well-thought-out decisions. This contrasts with the police critics’ framing in two ways. First, it dismisses the interpretation that the handling of the Sean Bell shooting is part of a pattern of failure on behalf of the police, stressing instead that the organization has historically put a lot of effort into this, with very positive results. Second, it interprets the handling of the case from within a historical factual process-oriented framing, in contrast to the highly emotional framing constructed by police critics. This factual process-oriented framing also has an organic dimension. Commissioner Kelly’s formal responses to the shooting illustrate this:

***Just after the shooting (November 2006)***

A *New York Times* excerpt on a community meeting held with Police Commissioner Kelly and Mayor Bloomberg (November 28):

Mr. Kelly declined to characterize the shooting. **“I can’t afford to have a visceral reaction,”** he said. “I’m in charge of a 52,000-person organization. I’m also the final determiner as far as discipline is concerned in any process that goes forward. So I **reiterate** that **I think we need this investigation to go forward as quickly as possible.**”<sup>36</sup>

Mr. Browne answering reporters’ questions (last week of November 2006):

When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department’s chief spokesman, said, **“What we look at is the totality of the situation.”**

He added: **“We don’t know the totality of this event yet.”** But of the two previous shootings, Mr. Browne said, “There was more than the threat of the automobile alone involved.”<sup>37</sup>

***At the commissioning of the RAND investigation into the effectiveness of the NYPD’s firearms training (January 4, 2007)***

Police Commissioner Kelly:

**“We chose RAND to do this study because of its 30-year track record in running one of the oldest and most respected police policy research programs in the world, and for its reputation for objectivity and quality.”<sup>38</sup>**

*Just after the acquittals (April 2008)*

Fragment of Mr. Kelly’s official statement after the acquittals (April 25):

**“I cannot make any comment on the verdict** because any disciplinary action that might emanate from this case will ultimately come before me. We have been asked by the United States attorney to hold up any disciplinary proceedings until they make a determination whether or not they are going to be involved in this matter. So we’ll await word from the United States attorney before we will proceed with any formal investigation.”<sup>39</sup>

In the quotes above, several aspects are interesting. First, the processes following the Sean Bell shooting are placed within a process-oriented organic framing in which the NYPD’s actions and communications do not stand on their own, but heavily depend on broader judicial and governmental processes.

Without referring to previous incidents in either optimistic or pessimistic terms, the police appear to have full confidence in the process taking place, and also in the external players in this process, such as the RAND Corporation and the United States attorney’s office. Thus, while police critics are skeptical from the start about the process in its totality as well as about the different stakeholders, the NYPD has a positive outlook on both.

It is also important to note that this specific framing is driven by facts, and not by emotion, as will be further scrutinized in Subsection 2.3.3. In a broader sense, this process-oriented factual framing naturally affects the overall positioning of the police in the aftermath of the shooting, in particular its delineation of the debate and of the notion of justice, as will be discussed in Subsection 2.3.1.

The positive outlook that the NYPD maintains on the process and the external players in the process does not extend completely to the police critics. While the NYPD does not often speak about its critics, the existing references to the actions and behavior of police critics in the aftermath of police shootings are rather mixed:

*Just after the shooting (November 2006)*

Police Commissioner Kelly speaking about the Rev. Al Sharpton during an interview with the *New York Times* (last week of November):

**“We have an arms-length relationship, but we’ve dealt with each other for years, and I’ve always found him to be forthright. He is telling it as he sees it, and not being duplicitous in any way. I think he would say the same about me.”<sup>40</sup>**

*In the period before the grand jury process (January 2007)*

Paul Browne responding to Christopher Dunn, the associate legal director of the New York Civil Liberties Union, who said that “The mayor’s giving the CCRB [Civilian Complaint Review Board]

more money is nice, but that will not address the serious issues of police misconduct raised by the Bell shooting [...] and [...] the Police Department must be much more responsive to the board recommendations”:

Paul J. Browne [...] said Mr. Dunn’s criticism was “as uninformed as it is **predictable** and **biased**.”<sup>41</sup>

The statements above expose divergent framings on current police critics’ actions and behavior. While Police Commissioner Kelly says that Mr. Sharpton has always been ‘forthright’ and never ‘duplicitous’, Mr. Browne blames Mr. Dunn — and indirectly the organization he represents — for being ‘predictable’, ‘uninformed’ and ‘biased.’ Of course, these statements are directed at different groups subsumed under the umbrella term ‘police critics’.

There are several explanations for this divergence. While both Mr. Sharpton and the New York Civil Liberties Union have similar objectives in curbing police shootings, the NYPD maintains it has a better working relationship with the former, which is detailed in other articles not related to the Sean Bell shooting, but also in the interview held with Mr. Browne.<sup>42</sup> From a strategic PR perspective, however, the differences in approach could indicate the NYPD’s understanding and anticipation of Mr. Sharpton’s important agenda-setting role in police-violence cases. The NYCLU does not claim this role as the organization aims to steer away from the emotional aspect of cases and instead prefers to focus on the totality of police-violence problems, as discussed in Part II, Chapter 1.

## Summary

In short, further to the argument expounded in the previous subsection, the processes following the shooting are also placed within a statistical, process-oriented, self-centered, factual historical and organic framing void of emotions, characterized by competence, openness, diplomatic skills, accountability and the ability of building relationships and dealing with police–community problems. In addition, the process is interpreted in an optimistic future-oriented way in which the NYPD trusts both its own capability and honest objectives, as well as those of external groups such as judicial and governmental stakeholders. However, the police critics’ involvement in the process appears not to be viewed from the same optimistic perspective. Although the NYPD refrains from communicating its interpretation of the role of the police critics, or in a broader sense that of the civil rights movement, in the light of the Sean Bell shooting, Mr. Browne’s remark is telling. However, the NYPD never emphasizes its interpretative framings on the aftermath of the shooting, and often doesn’t mention them, which can be explained both from a spontaneous perspective and a strategic PR perspective.

### 2.2.3 Conclusion

The analysis in this section has demonstrated that the NYPD interprets the shooting, its outcome, the processes that have taken place in its aftermath, and the specific conduct of the NYPD in all of these,

from a self-centered, optimistic, future-oriented, process-oriented, statistical, and factual framing, void of emotions.

Within this narrow interpretative framing, the shooting is viewed as an aberration and a ‘case number’, part of an unchangeable pattern of shootings, but also part of a historical and organic pattern of continuous improvement, professionalism, superiority in comparison to other cities, calmness, restraint in shootings, and arrests without incidents, in which the unique character of the police, as well as the unruliness and lawlessness in the streets, are responsible for the incidents that do occur. This results in a related interpretative ‘us-versus-them’ framing in which the ‘us’ component is characterized by uniqueness and potential victimization and the ‘them’ component by being an outsider and by potential culpability. The racial aspects of the shooting are also part of a narrow framing, in which the race of the implicated officers, and the organization’s own interpretation of statistics, determine whether the shooting and the conduct of the police in general are racist. The aftermath of the shooting, in turn, is part of a historical and organic pattern of competence, openness, diplomatic skills, accountability and the ability of building relationships and dealing with police–community problems. While the police critics interpret the role and conduct of others in the debate positively, the interpretation of the role and conduct of police critics is mixed.

The framings of both the shooting and its aftermath are conveyed infrequently and subtly, which can be explained both from a spontaneous perspective and a strategic PR perspective. Only when Sean Bell is not the main topic of discussion does the NYPD appear to speak out more freely. In a broader sense, the framings of both shooting and aftermath are the interpretative antithesis of the framings held and constructed by police critics. This converse character can also be explained from both a spontaneous perspective and a strategic PR perspective. As ‘spontaneous discourse’, the statements convey the interpretations of the NYPD, which are different from the police critics due to framings that simply do not match. Conversely, as strategic PR discourse, the statements aim to divert attention from the profound historical and organic interpretations found in the press and held by other stakeholders, which gives more insight into the positioning of the NYPD in the debate. This communication strategy is much more subtle than the police critics’ strategies.

On a rhetorical level, the vocabulary is nondescript, factual and detached. Whereas Mr. Sharpton and other community leaders use passionate and rousing oratory to amplify the magnitude of police misconduct and racial injustice, the Police Department deliberately appears to avoid such rhetoric. Still, dogmatic assertions are used that reject the accusations of racial injustice.

In conclusion, the interpretative framings held and constructed by the NYPD are — similar to those constructed by police critics — the linkage between perceptions and positioning. To start with the former, the interpretations discussed in this section function as a deeper layer of perception and interpretation, fuelling the labels discussed in Section 2.1. While the non-committal and nondescript images that are part of the label ‘This event’ link to the deeper interpretative framing of

the shooting as an aberration and a ‘case number’, the scattered images ‘unusualness’, ‘seconds’, ‘order’ and ‘peace’ refer to both the historical pattern and organic pattern of proper, professional conduct during and after shootings, as well as to the unique character of policing, and the consequential dangers and uniqueness that sets ‘us’ against ‘them’. In a broader sense, the personalized/distinctive ‘us’ and the depersonalized/indistinctive ‘them’ images discussed in Section 2.1 are also a product of both the self-centered perspective and the unique role that the NYPD attributes to itself. The framings also function as the basis for the positioning of the NYPD, as will be discussed in the next section.



## 2.3 Positioning

This section takes a closer look at the way the NYPD positions itself in the debate and how it communicates towards other stakeholders. Similar to the examination of the positioning of police critics, the delineation of debate and reality, as well the character of communication and the driving force of debate are central to the discussion in this section. As in the previous chapter, this section also looks separately at discourse that seeks common ground.

The reluctant, passive, nondescript and non-committal way in which the NYPD conveys its perceptions and interpretations on the shooting have already revealed that the Police Department does not seek a profound, outspoken positioning in the debate. This specific stance makes it more difficult to research the positioning held by the NYPD, as the institution does not convey its desired outcome of debate, or its delineation of reality, in clear-cut, easily-digestible messages such as ‘Justice for Sean Bell’, or in a specific focus on ‘the truth’. The different methods deployed to research the scope of debate and reality will be further discussed in the subsequent subsections.

### 2.3.1 The delineation of debate: Appropriateness of process and topic

While the police critics’ desired outcome of debate is succinctly captured in the label ‘Justice for Sean Bell’ and the delineation of debate in ‘No justice, no peace’, such labels do not exist in NYPD communication. On the contrary, the NYPD does not speak about a desired outcome and playing field of debate. The need for justice, or even the word justice, is not part of the discourse from the NYPD as reported in the *New York Times*. On a broader note, the NYPD never once speaks about how it envisions a specific desired ending to the process that ensued after the Sean Bell shooting. With the same tactics as discussed in Sections 2.1 and 2.2, Police Commissioner Kelly in fact deflects reporters’ questions on the outcome of debate:

#### *Just after the shooting (November 2006)*

A *New York Times* excerpt on the role of Police Commissioner Kelly in the aftermath of the shooting:

Mr. Kelly said that he **is as comfortable as ever being the face of the police in a controversy**, though he is **not so cocky as to predict outcomes**.<sup>43</sup>

While the police commissioner says that he does not want to ‘predict’ outcomes, he in fact is also subtly saying that he does not want to share this information with the reporter.

Yet while the NYPD does not talk about a ‘desired outcome of debate’, it does speak of objectives to be accomplished in the aftermath of the shooting, similar to the way the police critics referred to ‘Justice for Sean Bell’:

#### *Just after the shooting (December 2006)*

Mr. Browne on the role of the NYPD in the investigation (first week of December):

“The NYPD Internal Affairs Bureau is conducting **appropriate** follow-up inquiries and providing all information to the Queens district attorney,” said Paul J. Browne, the department’s chief spokesman.<sup>44</sup>

*At the commissioning of the RAND investigation into the effectiveness of the NYPD’s firearms training (January 4, 2007)*

Police Commissioner Kelly:

“Questions have arisen as to the quality and effectiveness of our training. [...] **We thought it would be appropriate** to bring in a recognized world-renowned non-government organization to take a look at all of our firearms training.”<sup>45</sup>

*After the release of the RAND report on the NYPD’s stop-and-frisk data (November 20, 2007)*

Police Commissioner Kelly speaking about the results of the RAND report, commissioned in March 2007 after the NYPD released its stop-and-frisk statistics:

“We’re going to take an in-depth review of the six recommendations and study them, and obviously I think the report is well done [...] It seems to me that they all have merit, and we’ll put in place what we think is **appropriate** as quickly as possible.”<sup>46</sup>

*After the acquittals (April 2008)*

An excerpt from Mr. Kelly’s official statement (April 25):

We have prepared. We have done some drills and some practices with the **appropriate** units and personnel if there is any violence. But again we don’t anticipate violence.

I can’t have a reaction, as I said. Any disciplinary action that may emanate from this case will ultimately come to me to make a determination on. So it’s **inappropriate** for me to comment on the verdict.<sup>47</sup>

A *New York Times* excerpt on the official statement (April 25):

“I can’t have a reaction,” he said, explaining that besides being the person who must determine what discipline is **appropriate** for the officers involved, the United States attorney’s office had also asked him to wait.<sup>48</sup>

*Personal interview held with Paul Browne (October 2009)*

Mr. Browne speaking about his relationship with the press:

“The media and others will look for **me to go too far either in trying to defend the police officers or in criticism of the police conduct**. Whatever it may be, there is an interest in having me kind of speak hyperbolically or go too far. That’s what **I hoped to avoid** in Bell and others, because the Police Department in the end does have **to be an honest broker with the public. They expect the police to respond in a neutral fashion.**”

[...] “The organization has to **be kind of viewed as being an honest broker: That it doesn’t come in with its own agenda, with a preconceived notion of what happened in a controversy.**”<sup>49</sup>

While the last statement gives insight into the specific communication objectives held by the NYPD, the first statements give insight into the department's broader objectives. Both will be discussed separately below.

To start with the broader objectives, what is striking in the quotes above is the repeated use of the adjective 'appropriate'. The NYPD does not only use this word for its own actions ('appropriate follow-up'), but also uses it in a more general way to refer to pinpointed steps in the debate ('what discipline is appropriate for the officers involved'). Although the NYPD does not actively link the adjective 'appropriate' to an overall objective the NYPD has in the public debate, both notions do interrelate. More specifically, by labeling each action in the debate as either 'appropriate' ('the NYPD Internal Affairs Bureau is conducting appropriate follow-up') or 'inappropriate' (it's inappropriate for me to comment on the verdict'), the NYPD is suggesting that its overall objective is for all appropriate actions and procedural steps to be 'appropriately' conducted by the appropriate persons.

In order to understand better the notions of 'appropriateness' in the context of the Police Department's overall objective in the aftermath of the shooting it is useful to look at its definition:

#### **Appropriate**

- Adjective
- 1. Suitable; proper.<sup>50</sup>

Considering this definition, the adjective 'appropriate' to a certain extent resembles the definition of the notion of justice discussed in the previous chapter. More specifically, while justice refers to 'just behavior or treatment', appropriate refers to 'proper', which in turn can include proper behavior/treatment. The difference is that the notion of justice often refers to the judicial system, and the adjective 'appropriate' does not necessarily do so (it does not even have to refer to behavior or treatment). The adjective 'appropriate' is both non-specific and flexible. Moreover, while the police critics pair the notion of 'just behavior or treatment' with rigidly defined conditions, condensed in the label 'Justice for Sean Bell', the NYPD does not do this.

In addition, it is unclear who (i.e. which stakeholder) decides on the conditions for appropriateness, and whether this varies depending on different moments in the aftermath. More specifically, the NYPD does not clearly specify whether this 'appropriateness' refers to the consensual standards set by all New Yorkers, police critics, governmental and judicial stakeholders, or simply the police themselves. The link that the NYPD makes between 'appropriate' and 'we' ('We thought it would be appropriate' and 'We'll put in place what we think is appropriate as quickly as possible') does suggest that the standards for 'appropriateness' could be set by the NYPD. However, the NYPD does not clarify in these remarks whether they are following the guidelines for appropriateness set by a consensus of stakeholders, or by themselves. Moreover, the link between 'we' and 'appropriate' is not made in the other quotes.

The NYPD's use of the adjective 'appropriate' thus appears not to delimit the desired objective of debate, with the exception that the NYPD believes each sequential action/milestone in the debate should be 'appropriate'. Yet a closer look at the use of the adjective 'appropriate', in combination with the insights gained in the previous section on the NYPD's interpretation of the shooting and ensuing events, does give some insight into the delineation of debate.

To start with, the emphasis on the notion of appropriateness (as opposed to 'justice') shows that the NYPD positions itself as but a cog in a larger scheme, a passive player whose interest is for the debate to develop along set lines and for stakeholders, including the NYPD itself, to heed these 'appropriate' guidelines. The outcome of debate, in other words, is less important to the NYPD than the process of debate. Or phrased differently, the NYPD's overall objective is that the process of debate should be conducted 'appropriately'. This is in line with the process-oriented, factual interpretation of the shooting and the ensuing events. The NYPD therefore does not act like a catalyst in the debate, as the police critics do with their energizing and agenda-setting label 'No justice, no peace', but is a deliberately passive actor.

Second, the fact that the NYPD communicates in indefinite terms about its delimitation of debate, does not imply that it maintains a flexible and broad positioning. Instead, and if anything, it shows that the department keeps its demarcation non-specific, similar to the way the institution conveys perceptions and interpretations of the shooting. This, in itself, can be seen as a delimiting objective.

The remark 'we thought it would be appropriate' epitomizes the fact that the NYPD does not directly speak about its objectives. Instead, of saying 'We *need* to bring in a recognized [...], *because*', the police commissioner is just saying that such actions would be 'appropriate': a passive and responsive reaction to unfolding events.

Thus, in short, the (delimiting) objective in the debate /desired process of debate — captured in the non-specific, process-oriented notion of 'appropriateness' — is dual-layered. The first layer of the NYPD's objective in the aftermath is that all 'appropriate' steps should be taken, by the appropriate organizations, at the appropriate time. The second layer, which is more concealed in the available communication and captured in the non-specific character of the notion of appropriateness, is the NYPD's objective not to take sides at any moment in the aftermath of the shooting

This second layer is further explained in the excerpt of the interview with Mr. Browne. This excerpt shows how Mr. Browne is constantly aware not to disseminate too much information, arguing that the NYPD should not manipulate the debate to accomplish a desired outcome ('it doesn't come in with its own agenda'), or convey a biased reality ('a preconceived notion of what happened'). The 'neutral' communication referred to by Mr. Browne likens the non-committal references to 'appropriateness'.

### **The rigidity of appropriateness: Defense by ad hoc reasoning**

Although the analysis so far has already demonstrated that the NYPD's objective in the debate is not as broadly defined as the notion of 'appropriateness' appears to be at first glance, further research is needed to determine the exact demarcation lines. It is hence interesting to look at how this dual-layered objective in the debate/desired process of debate is challenged throughout the aftermath of the shooting, as such analysis can further uncloak these demarcation lines.

Just after the shooting, the Police Department's desired process of debate is challenged by questions from reporters and other stakeholders on the positioning of the police. The following excerpts show how Police Commissioner Kelly responded to these 'debate' tests:

#### ***Just after the shooting (November 2006)***

A *New York Times* excerpt concerning Police Commissioner Kelly speaking at a news conference (November 25):

Police Commissioner Raymond W. Kelly said at a news conference last night that **the men's car had been hit at least 21 times. He said he did not know what triggered the shooting and that it was too early to tell if it was justified.** No guns were found at the scene, and no charges have been filed against the men, the police said.<sup>51</sup>

A *New York Times* excerpt concerning a community meeting held with Police Commissioner Kelly and Mayor Bloomberg (November 28):

Mr. Kelly declined to characterize the shooting. **"I can't afford to have a visceral reaction,"** he said. **"I'm in charge of a 52,000-person organization. I'm also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need this investigation to go forward as quickly as possible."**<sup>52</sup>

Police Commissioner Kelly speaking on a NY1 political talk show (November 27):

**"The mayor is certainly entitled to his opinion. [...] I think we need an in-depth examination of all the facts.** It is unusual to have this number of shots fired."<sup>53</sup>

In an interview with the *New York Times* (last week of November):

He [Police Commissioner Kelly] cited the case of Timothy Stansbury Jr., the unarmed 19-year-old who was fatally shot by a police officer in Bedford-Stuyvesant, Brooklyn, in 2004, as an instance in which, early on, he judged a shooting to be unjustified.

"In the Stansbury case, we had information because of statements from the non-shooting officers, so we put out the information," Mr. Kelly said. **"We don't have enough information yet in this case. I make a determination about what to say based only on the facts."**<sup>54</sup>

*New York Times* analysis of the events (November 30):

Mr. Kelly has been **careful not to characterize the conduct of the five police officers** involved in the shooting of Mr. Bell. None of those officers have been interviewed by officials.<sup>55</sup>

A *New York Times* excerpt on rules concerning the discharge of firearms at or from a moving vehicle (November 30):

Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly, by citing the guidelines, raised the possibility that the five officers who shot at Mr. Bell might have been in violation of the department's internal rule.

"You should know that it is not the policy of the Police Department, where a police officer can shoot at a car when the car is being used as a weapon," Mr. Bloomberg said Monday at a City Hall news conference. **"So at least**, in that case, it would appear that the policies of the Police Department were broken."

Mr. Kelly said, **"As far as the policy of using deadly force against a vehicle — we have a policy that prohibits that if the only deadly force that's being used against you is the vehicle itself."**<sup>56</sup>

While Section 2.1 showed how the quotes above result in a perception of 'indistinctiveness', the quotes also give insight into the NYPD's delineation of debate. More specifically, the quotes show how the police commissioner responds to questions that conflict with his objective in the debate with non-committal statements: 'I can't afford to have a visceral reaction,' the commissioner literally says. This approach is also noted by the *New York Times*: 'Mr. Kelly has been careful not to characterize the conduct', the newspaper analyzed. Mr. Kelly's premeditated choice also comes to light when he skillfully circumvents questions from reporters. For example, with his remark that 'the mayor is certainly entitled to his opinion', the commissioner does not reveal any of his own perceptions: He does not give his own opinion, nor does he appraise the mayor's judgment (although his formulation does suggest he disagrees). Thus, while the second layer of the NYPD's objective in the debate is challenged, it does not give in to these challenges, which further demonstrates the inflexible positioning of the NYPD.

Other quotes give more insight into the first layer of the NYPD's objective in the debate. For example, Mr. Kelly's remark 'I think we need an in-depth examination of all the facts' shows how the term 'appropriateness' is now differently and more powerfully formulated ('I think we need'). More specifically, the connection between the person that determines what is appropriate ('I') is linked to the more powerful 'need'. The appropriateness again refers to the desired process of debate ('an in-depth investigation') which is linked to the NYPD's overall objective. However, the focus on process can also be seen as a means of avoiding talking about the incident, hence linking to the second layer of the NYPD's objective in debate. For example, the apparent reasons for not characterizing the shooting, which include the premature state of the investigation, the lack of facts, and the commissioner's function as chief of the 52,000 people organization, can be seen as a strategy to accomplish the NYPD's debate objective. More specifically, while as 'spontaneous discourse', these reasons, and in a broader sense the answers provided by the NYPD, are a reflection of a broader reality in which facts and processes are more important than emotions, as strategic PR

communication, the focus on process can be seen as a subtle communication method to distract attention from the fact that the NYPD does not take a stand.

This non-committal positioning also comes to light in Mr. Kelly's response to questions on the Sean Bell shooting and the policy concerning the discharge of firearms at or from a moving vehicle. In this excerpt, Mr. Kelly's objective is challenged, as he is pressed to take a stand by the critical questions asked and by Mr. Bloomberg's reference to the existing policy in the department. It is for that reason interesting to observe the schism between Mayor Bloomberg and Police Commissioner Kelly in their positioning. Although both refer to the same policy, Mayor Bloomberg pairs his reference to this policy with a preliminary conclusion that 'it would appear that the policies of the Police Department were broken'. Police Commissioner Kelly, conversely, merely states the actual policy, and does not pair it with any conclusions.

Mayor Bloomberg also proactively points out the existence of this policy, by pairing this reference with 'you should know that'. Moreover, by pairing this reference with the word combination 'at least', the mayor suggests that there might be other misconduct too, as the implicated officers at minimum breached this specific policy. Conversely, Mr. Kelly does not proactively point out the policy. In addition, by pairing the reference to the policy with the word combination 'as far as' the police commissioner delimits the scope of culpability, as well as the topics he wants to make statements about. The expanding nature of the word combination 'at least' for that reason opposes the delimiting nature of the word combination 'as far as'.

On a rhetorical level, the cautious, factual, and emotion-free character of the vocabulary used also help to deflect the questions of reporters: Although the active first tense and first person statements 'I make a determination', and 'I reiterate' appear to be decisive, as pointed out in Subsection 2.1.1, it is the overall nondescript, non-committal word choice that is utilized to safeguard the department's objective not to position itself.

Commissioner Kelly's approach is reinforced by the statements made by Mr. Browne and his team:

*Just after the shooting (November–December 2006)*

Mr. Browne in answering reporters' questions (last week of November):

When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department's chief spokesman, said, "**What we look at is the totality of the situation.**"

He added: "**We don't know the totality of this event yet.**" But of the two previous shootings, Mr. Browne said, "There was more than the threat of the automobile alone involved."<sup>57</sup>

===

Paul J. Browne, the Police Department's chief spokesman, and Police Commissioner Raymond W. Kelly said it **was too early to characterize the shootings**. Mr. Browne said it was the **department's prerogative to put the officers on leave until the department learned more about how the night's events unfolded**.<sup>58</sup>

Mr. Browne on the investigation of the Internal Affairs Division (first week of December):

Paul J. Browne, the chief spokesman for the Police Department, **declined to comment on** any of the witnesses' statements. "The Police Department's Internal Affairs Bureau has **secured information, including descriptions from witnesses, that it has passed on to the Queens district attorney**," Mr. Browne said in a statement last night.<sup>59</sup>

Police official answering reporters' questions (first week of December):

Police officials have acknowledged that the conduct of the undercover detective — for example, in taking action rather than relying on backup, and in firing at a moving car was unusual.

"This is a real question," one official involved in the inquiry said. **"But it doesn't mean that what the undercover did was bad."**<sup>60</sup>

On questioning the witnesses:

A law enforcement official involved in the investigation said that as the medical conditions of the two men improve, and the inquiry moves forward, officials expect to speak to them again. "As long as they were medically ready to talk, we want to talk to them," the official said. "Even though we're not setting a deadline, we're going to move expeditiously."

[...] **"The Internal Affairs Division has conducted inquiries and provided all information to the Queens district attorney,"** Paul J. Browne, the Police Department's chief spokesman, said yesterday **when asked about the statements Mr. Benefield and Mr. Guzman made to prosecutors**.<sup>61</sup>

In these statements, the NYPD again answers reporters' questions in a non-committal and nondescript way. More specifically, and similarly to Mr. Kelly's approach, the police officials skillfully circumvent reporters' suggestions aimed to press the NYPD to take a position in the debate. The NYPD does this by underlining that 'it doesn't mean that what the undercover did was bad' and that it is simply 'the department's prerogative to put the officers on leave'. In addition, by saying that 'What we look at is the totality of this event' and 'We don't know the totality of this event yet', Mr. Browne in fact gives no reaction to the shooting at all, especially since he does not provide any follow-up on the 'totality of this event' in future encounters with the press. Similar to Police Commissioner Kelly, Mr. Browne also uses references to 'process' ('The Internal Affairs Division has conducted inquiries and provided all information to the Queens district attorney') to deflect questions on positioning ('when asked about the statements Mr. Benefield and Mr. Guzman made to prosecutors').

Mr. Browne's approach can be seen as a strategic PR approach that linearly opposes the PR strategy of police critics and in particular that of Mr. Sharpton: While the latter incorporates passionate and rousing oratory in its communication in order to stimulate agenda-setting, and in a



broader sense functions as a catalyst, Mr. Browne's approach is conversely more typical of evasive 'PR discourse' that does not answer the questions asked by the press.

As pointed out in Subsection 2.1.1, the quantity of the NYPD's communication decreases considerably after the first few weeks ensuing the shooting. In the communication derived from the *New York Times* after this period, the Police Department does not follow up on the statements made in the direct aftermath. Only after the acquittals does the NYPD speak out again:

***Just after the acquittals (April 2008)***

An excerpt from Mr. Kelly's official statement (April 25):

**I cannot make any comment on the verdict** because any disciplinary action that might emanate from this case will ultimately come before me. We have been asked by the United States attorney to hold up any disciplinary proceedings until they make a determination whether or not they are going to be involved in this matter. So we'll await word from the United States attorney before we will proceed with any formal investigation.

[...] **I can't have a reaction**, as I said. Any disciplinary action that may emanate from this case will ultimately come to me to make a determination on. **So it's inappropriate for me to comment on the verdict.**<sup>62</sup>

A *New York Times* excerpt on a press conference:

Within minutes of the verdict, Mr. Kelly stood before reporters outside the Brooklyn Public Library, where he was scheduled to testify before a House Homeland Security subcommittee on transit security. **He spoke about the verdict, if only to say he would not talk about it.**

**"I can't have a reaction,"** he said, explaining that besides being the person who must **determine what discipline is appropriate for the officers involved, the United States attorney's office had also asked him to wait.** He mentioned that the city expected calm and that the police were prepared for any contingency, and then went into the hearing.<sup>63</sup>

Similar to previous moments, the NYPD responds to reporters' questions by saying it cannot give a reaction to the shooting. It is striking how the police commissioner reformulates 'I can't have a reaction' several times within the official statement after the verdict. The *New York Times*' analysis underlines this observation: 'He spoke about the verdict, if only to say he would not talk about it.'

What also catches the eye is that the NYPD now gives different reasons for the department's reticence than it did just after the shooting. While directly after the shooting there was not yet enough evidence according to Mr. Kelly, so it was inappropriate to comment on the verdict, now the police commissioner lays more emphasis on 'the disciplinary action that might emanate from' the case he is responsible for. The ad hoc nature of his reasoning (which results in a consistent rejection) suggests that Mr. Kelly's refusal to give a reaction can be classified rather as strategic PR discourse aimed at deflecting persistent reporters' questions than as 'spontaneous discourse'. Thus, the NYPD's official response again shows how the NYPD aims to safeguard its objectives by giving evasive answers to stakeholders' questions.

## **Summary**

In sum, this subsection has demonstrated how the dual-layered objective in the debate — captured in the evasive, process-oriented notion of ‘appropriateness’ — comprises both the NYPD’s desire that all ‘appropriate’ steps should be taken in the ‘Sean Bell’ debate by the appropriate organizations, and at the appropriate time; and second, the desire that the NYPD does not commit itself and take sides at any moment in the aftermath of the shooting.

The discussion of ‘debate challenges’ has further exposed the demarcation lines of the NYPD’s objective/desired process of debate. More specifically, by using non-committal and evasive rhetoric, by not answering questions, and by focusing on process, the police heavily safeguard their objectives; this reveals how rigidly defined this overall objective in fact is to the NYPD. Phrased differently, while the second layer of the NYPD’s objective in the debate is challenged, it does not give in to these challenges. The NYPD in fact delimits the playing field/process of debate by deciding what is ‘appropriate’ to talk about, and what is not. Thus, while the notion of appropriateness at first glance is non-committal and evasive, it in fact delimits the scope of debate. The second part of the discussion in this subsection has also exposed how these two layers of the desired process of debate interact with each other: The focus on ‘appropriate’ processes is a strategy to deflect ‘debate challenges’.

On a rhetorical level, the adjective ‘appropriate’ itself, which on its own and at first glance is both non-specific and flexible, much more so than the notion of justice, is emblematic for the character of the rhetoric used.

The subtle strategies used to safeguard the department’s objectives in the debate, especially those used by Mr. Browne, are typical of evasive PR discourse that does not answer the questions asked by the press.

As a final point, it is important to observe that by deflecting questions that conflict with the department’s desired process of debate, the NYPD in a broader sense also deflects the powerful agenda-setting perceptions and images felt, created and reiterated by police critics. This will be further discussed in the next subsection.

### **2.3.2 The delineation of reality: Deflective ‘us-versus-them’ positioning**

This subsection scrutinizes the scope of the reality held by the NYPD by looking at how broadly the NYPD defines reality and how this reality is challenged, as well as to what extent Police Commissioner Kelly and Mr. Browne display understanding for multiple interpretations. This subsection also examines whether the NYPD positions itself in an ‘us-versus-them’ manner similar to the police critics.

Due to the nondescript, evasive way in which the NYPD communicates about the shooting, it is hard, if not impossible, to provide insight into how rigidly/flexibly the Police Department delimits

its conception of the shooting. In contrast to the police critics, Police Commissioner Kelly and spokesman Paul Browne do not judge the shooting, nor do they give their opinion on the (official) statements made by those involved in the case. While the police critics' rigidly defined reality concerning the shooting came to light with their strong focus on the 'truth', the NYPD does not incorporate such words in its communication. The NYPD's persistent refusal to comment stands in stark contrast with the police critics' insistence on knowing and telling the only version of the truth, including statements such as 'We waited through the winter to be able to tell the truth', and 'they will tell the truth as to what occurred.'<sup>64</sup> As a part of this, it is impossible to determine how rigidly the police commissioner delimits the reality of either the detectives or the victims as truthful. While the police critics rigidly define the culpability for the shooting, the NYPD does not speak out about this. In addition, the NYPD does not act as a legal expert, in the same way as Mr. Sharpton does. The organization simply does not comment on the developments that take place in court.

This reticence in itself provides insight into the positioning of the Police Department: While Police Commissioner Kelly and Mr. Browne do not actively promote their own version of truth, they do not display understanding for the version of the victims either.

Conversely, the NYPD does convey more candidly how rigidly/broadly the organization defines the aftermath of the shooting, as well as the broader framing of the shooting itself. More specifically, Police Commissioner Kelly and spokesman Paul Browne give insights into the delimitation of their reality concerning how the NYPD is handling the shooting incident and, in a broader context, how the organization is dealing with the police–community problem and allegations of police violence:

### ***Just after the shooting (November–December 2006)***

Police Commissioner Kelly speaking about his own role in an interview with the *New York Times* (last week of November):

Mr. Kelly said that he **is as comfortable as ever being the face of the police in a controversy**, though he is not so cocky as to predict outcomes.

"I think you build relationships, and you can go back to other incidents perhaps where people relied on something I've said or I've done, and hopefully that's built up a certain level of trust," Mr. Kelly said. "**You hope** that is something that is going to play a role."

"**I've always prided myself on being forthright and open** with the community, and not holding very much back — what you see is what you get with me," he added.

[...] Mr. Kelly said he has **a long history inside** the department and as a government official in Washington of **improving** the culture of agencies, **combating** racial profiling, and **holding** his own people accountable. He also said his **diplomatic skills** in times of crisis **have not atrophied** in the years that his focus has been pulled toward domestic security, an effort that is without precedent in the department.<sup>65</sup>

Mr. Browne on the role of the NYPD in the investigation (first week of December):

“The NYPD Internal Affairs Bureau is conducting **appropriate** follow-up inquiries and providing all information to the Queens district attorney,” said Paul J. Browne, the department’s chief spokesman.<sup>66</sup>

*After the release of figures on racial diversity in the top segment of the force (May 9, 2008)*

Police Commissioner Kelly in response to new figures indicating that the number of African Americans among the estimated 700 officers in the department’s top tier did not change from 2002 through 2007:

“I think we have the **best** community relations that **we’ve ever had**, and I think a lot of it has to do with diversity,” Mr. Kelly said in an interview on Friday.<sup>67</sup>

What catches the eye first in the excerpts above is the extent to which the police commissioner commends his personal actions and those of his department — now and in the past. Not only does Mr. Kelly say that the police follow-up is appropriate, in the last excerpt he is also literally ‘priding himself’ on his ‘diplomatic skills’ which did not even ‘atrophy’ in difficult times. Consequently, he is ‘as comfortable as ever’ in handling the current situation.

These laudatory remarks do not just give insight into the interpretative framings held by the NYPD on the shooting, as discussed in the previous section, they also reveal the perceptions and the scope of the reality held by the Police Department. More specifically, the extent to which Police Commissioner Kelly is commending himself shows how rigidly the NYPD defines its own performance as ‘appropriate’ and ‘the best we’ve ever had’. In this sense, the conditions for the adjective ‘appropriate’ are set by the NYPD itself, and by no one else. Thus, although the NYPD does not convey its delineation of the shooting and the issue of culpability, it does rigidly delimit its responsibility in a broader sense, i.e. in regard to police–community relations problems and to its handling of the aftermath of the shooting. The NYPD’s reality thus rigidly excludes blame for its conduct during the aftermath, as well as for police–community problems at large.

Within this strict delimitation of the broader sense of police responsibility, there is not much room for the reality held by police critics, which is only occasionally understood and referred to. In the statements above, only Mr. Kelly’s remark that his actions ‘hopefully [...] built up a certain level of trust,’ and his specification that ‘You hope that is something that is going to play a role’ cautiously aim to find common ground between the realities held by the NYPD and the police critics. The police’s rigid definition of this broader reality hence consists mostly of a single version of the truth of the handling of the shooting and police–community relations in general, in which hardly any other interpretations, perceptions and viewpoints are possible.

Similar to the discussion of the police critics’ positioning, it is also interesting to look at the decisions made in regard to the Sean Bell shooting and the broader solutions presented by the Police Department to prevent future incidents. Do such solutions reflect a rigidly defined reality, similar to the rigidly defined, police-oriented solutions presented by police critics, or do they seek a compromise

to cater for multiple realities? It is important to note that while actions and communications are linked in this matter, the analysis will focus on the latter, as actions go beyond the scope of this research.

### **Proactive decisions: ‘We’ll put in place what we think is appropriate’**

The NYPD conveys several proactive decisions in regard to the Sean Bell shooting and offers several solutions for broader community-relations problems. The first of such decisions occurred just after the shooting:

#### ***Just after the shooting (November 2006)***

Police Commissioner Kelly on his decision to take away the implicated officers’ guns:

“There were, and are, still too many unanswered questions. [...] **It’s a privilege to have a gun; you don’t have a right to have a gun.**”<sup>68</sup>

At first glance, Mr. Kelly’s statement to take away the guns of the implicated officers appears to be one that seeks common ground with the reality held by police critics, as the remark suggests that the Police Commissioner believes that the officers at the very least have done something wrong. In addition, the language used to convey this decision seems to underpin this ‘common ground positioning’. More specifically, Commissioner Kelly indirectly says that there might be pointers to the fact that the shooting was questionable (‘too many unanswered questions’). The observation conveyed in the second part of his remark exacerbates this suspicion: By saying that one does not have the right to have a gun, Mr. Kelly communicates in line with the police critics’ perception that ‘50 shots’ is linked to lawlessness. However, the commissioner does so only indirectly: The police critics are not mentioned by name in any of the quotes above, nor is Sean Bell. Moreover, the commissioner does not specifically acknowledge the reality held by police critics concerning the shooting, nor does he specifically refer to the ‘solutions’ presented by police critics. Hence, the decision is driven by his own conditions for ‘appropriateness’ (‘there are still too many unanswered questions’), while being supported and justified by NYPD’s own maxims (‘It’s a privilege to have a gun; you don’t have a right to have a gun.’)

In early January 2007, the NYPD communicated another proactive step taken in response to the Sean Bell shooting:

#### ***At the commissioning of the RAND investigation into the effectiveness of the NYPD’s firearms training (January 4, 2007)***

Police Commissioner Kelly:

“**Questions have arisen** as to the quality and effectiveness of our training. [...] **We thought it would be appropriate to bring in a recognized world-renowned non-government organization** to take a look at all of our firearms training.”<sup>69</sup>

Excerpts from the RAND press release:

“A police officer’s split second decision to use deadly physical force has **enormous consequences** and is **the weightiest responsibility conferred by law**,” Commissioner Kelly said. “As a result, **we invest substantial resources in firearms training for our officers**. In conducting this review, RAND will examine the quality and completeness of our firearms training program and identify potential improvements in the design and delivery of the curriculum, the technology used, the frequency and duration of training sessions, the tactics and procedures on which the training is based and the Police Department’s firearms discharge review process.”

[...] “We chose RAND to do this study **because of its 30-year track record in running one of the oldest and most respected police policy research programs in the world, and for its reputation for objectivity and quality**,” Commissioner Kelly added. “RAND has helped police departments around the United States improve policies on the use of force, investigative procedures, police–community relations, manpower and training, and in many other areas.”<sup>70</sup>

In the statements above, the investigation initiated by Police Commissioner Kelly is presented as an indirect solution (‘we thought it would be appropriate’) to police–community relations problems in the aftermath of the Sean Bell shooting (‘questions have arisen’). His statements appear to seek common ground with the reality of police critics, as the communicated investigation objectives appear to be in line with the police critics’ reality that the police should get their ‘grades up’.<sup>71</sup> Yet a closer examination of the quotes above reveals a different picture. Although the police commissioner does not deny the reality held by police critics that ‘the police have a community-relations problem’, he does not acknowledge this reality either, nor does he convey a more mainstream conception that ‘the police and the community have a problem’. His remark ‘questions have arisen’ stands on its own in the statements above. The statement itself ignores the historical dimensions of the police critics’ interpretation, suggesting that the ‘questions’ are new to the police. Moreover, the passive voice used in this statement makes the reference to the community anger caused by the Sean Bell shooting a rather subdued one. In Mr. Kelly’s words, the investment ‘in substantial resources in firearms training for our officers’ is not triggered by community outrage, but results from ‘the enormous consequences’ inherent in physical force, which Mr. Kelly considers to be the ‘weightiest responsibility conferred by law’. Phrased differently, the scrutinized statements suggest that the solutions presented emanate from the department’s own conditions for ‘appropriateness’, and not from those of the police critics. Hence ‘we’ in ‘we thought it would be appropriate’, does not refer to the consensus of stakeholders, but to the NYPD itself.

Another presented solution includes Police Commissioner Kelly’s adoption of ‘sobriety test’ measures, as part of the Sean Bell panel recommendations:

#### *After the announcement of the sobriety test measures (June 18, 2007)*

A *New York Times* excerpt:

The New York City Police Department **is moving to require officers to take breath tests for alcohol if they shoot someone and to undergo a psychological screening when they**

**become candidates for undercover work, Commissioner Raymond W. Kelly announced yesterday.** Both measures are among the recommendations of a panel created after a Queens man was fatally shot in November in a volley of 50 bullets fired by officers.

Mr. Kelly, who **set up the panel in December, said he had accepted all 19 of its recommendations, which included hiring actors to help train officers in their undercover roles as gun dealers or narcotics traffickers and creating programs to teach the public about the need for such operations.**

[...] The new procedures would be the first substantive changes to the way the Police Department operates since the Queens man, Sean Bell, 23, was killed while leaving a strip club in Jamaica on Nov. 25, the morning of his wedding.

[...] Although the Police Department review was called in response to the Bell shooting, Mr. Kelly said the panelists, all but one of whom were high-ranking members in the department, did not investigate specifics of that case. **“We didn’t say, ‘Hey, take a look at this case,’”** the commissioner said.

[...] Mr. Kelly said yesterday that he supported the two-drink rule, and he reiterated that there is no “indication or evidence” that alcohol played a role in the Bell shooting. He said the five officers involved “were found to be fit for duty.”<sup>72</sup>

While the measures proposed in the statement above again appear to be coalition-oriented (which is not further researched), it is striking how the language used to convey these measures isn’t. Although the Panel was called in response to the Bell shooting, Mr. Kelly does not proactively link the name Sean Bell to the investigation in the excerpts above, nor does he address the specific questions raised by the shooting in his communication. The nondescript and informal character of the latter remark ‘We didn’t say, “Hey, take a look at this case”’ in fact underlines the dismissal of the police critics’ weighty desires. While the remark also refers to the broad scope of the research, which does match the police critics’ objectives, it is the language used that undermines the coalition-oriented character of the message.

In the autumn of 2007, the NYPD commissioned another RAND investigation, this time to analyze the department’s stop-and-frisk data:

***After the release of the RAND report on the NYPD’s stop-and-frisk data (November 20, 2007)***

A *New York Times* excerpt on the results and appraisal of the RAND report:

The 59-page report by RAND, a private non-profit organization, was commissioned by Police Commissioner Raymond W. Kelly after the department released the [stop-and-frisk] data. Of the 508,540 people stopped, about 10% were arrested or received summonses.

The report includes six recommendations for Mr. Kelly, such as refining paperwork to capture data on use of force and requiring officers to explain to people why they are being stopped.

**“We’re going to take an in-depth review of the six recommendations and study them, and obviously I think the report is well done,”** Mr. Kelly said. He added, “It seems to me that **they all have merit, and we’ll put in place what we think is appropriate as quickly as possible.**”

[...] Donna Lieberman, the executive director of the New York Civil Liberties Union, called the report **“hugely flawed,”** saying that the document was more striking **for what it did not say than for what it said.** She said the report relied on **“inappropriate benchmarks”** to reach its findings.

[...] RAND analysts left **it to police officials to come up with an explanation for why blacks and Hispanics were more likely to be frisked, searched, arrested or to have force used against them — such as officers wielding a baton, spraying pepper spray or pointing a gun — on Staten Island compared with other boroughs.**

Mr. Browne said the department would have to study why the disparities are most pronounced on Staten Island. “We don’t know,” he said. “It is something we will have to examine.”

Greg Ridgeway, the associate director at RAND, who wrote the report, said there were plausible reasons for the 508,540 stops in 2006, despite projections — based on data from national surveys on police and citizen contacts — that suggested 250,000 to 330,000 stops could be expected. This does not include traffic stops.

[...] The report stated that 69% of suspects in violent crimes were described by their victims as black whereas only 53% of all those stopped by police officers for stop-and-frisks were black. But the civil liberties group said only a fraction of the 508,540 people stopped last year were suspects in violent crimes, making the analysis flawed.

In one area — the use of force — the RAND study said, **“If black suspects are likelier to flee or resist, the observed difference in rates of force may not be due to officer bias.”** But Christopher Dunn of the civil liberties group called this **“an example of them not doing analysis and instead looking for justifications. It simply reflects the dishonesty that runs through this report.”**<sup>73</sup>

While the commissioning of the RAND investigation by itself appears to be a proactive step that seeks common ground with the broader reality held by police critics, the communication of the findings of the RAND report is not. For instance, in these statements the NYPD does not answer the analytical remarks made by police critics on the report. The NYCLU, for instance, states that the report is ‘hugely flawed’, saying that ‘the document was more striking for what it did not say than for what it said’, and that ‘dishonesty ... runs through the report’, a statement that is ignored by the NYPD, especially given Police Commissioner Kelly’s emphasis that ‘the report is well done’. Thus, the NYPD again decides by itself what is ‘appropriate’ (‘we’ll put in place what we think is appropriate’), while the solutions presented emanate from the police’s own conditions for ‘appropriateness’, and not from those of the police critics.

The department also appears to convey proactive/coalition-oriented solutions just after the acquittals:

#### ***After the acquittals (April–May 2008)***

A *New York Times* excerpt on the acquittals (April 25):

The Queens district attorney, Richard A. Brown, said that Friday’s verdict should not be taken as an acquittal of serious management weaknesses that he believes led to the Bell shooting.



“To the contrary,” Mr. Brown said, the trial “revealed significant deficiencies in, among other things, supervision, tactical planning, communications and management accountability — insufficiencies that need to be addressed.”

He noted that a special panel set up by the Police Department after the shooting of Mr. Bell recommended 19 changes in undercover operations. “Virtually all of them had Sean Bell written all over them,” Mr. Brown said. He said he had called Mr. Kelly to volunteer his office’s help.

**A spokesman for Mr. Kelly said that 16 of the 19 recommendations had already been put into practice,** and that a major study on improving police firearms training would be finished within a month. Compared to most other big cities, New York police officers rarely fatally shoot anyone.<sup>74</sup>

*A New York Times* excerpt on the internal charges filed by the Police Department (20 May):

Seven New York City police officers involved in the fatal shooting of Sean Bell, including three detectives who were acquitted in a criminal trial, were formally accused on Tuesday of breaking Police Department rules in the case.

The department said that the officers violated the internal policy manual in a variety of ways, including improperly firing their guns and failing to process the crime scene after Mr. Bell was killed and his two friends injured in a storm of 50 bullets.

The three detectives who stood trial in the case — Detectives Giscard F. Isnora, Michael Oliver and Marc Cooper — were charged with “discharging their firearms outside of department guidelines,” said Paul J. Browne, the Police Department’s chief spokesman. Detective Isnora was also charged with taking enforcement action while working as an undercover officer instead of letting officers who were present, and not working undercover, take control.

[...] The Rev. Al Sharpton, who has been a spokesman for the Bell family and has protested the acquittals, called the charges “a step in the right direction.” But he drew a parallel between the Bell shooting and the recent beatings of three suspects by the police in Philadelphia, which was caught on videotape.

He urged Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly “**to follow the lead of Philadelphia Mayor Michael Nutter and Police Commissioner Charles Ramsey, who fired four police yesterday, demoted one sergeant, and disciplined others, without going through a long internal procedure.**”

[...] Shortly after Detectives Isnora, Oliver and Cooper were indicted, they were served with administrative charges in April 2007 that “basically mirrored the criminal charges they faced,” Mr. Browne said. The new internal charges accuse them specifically of breaking departmental rules — though both could result in their being fired.<sup>75</sup>

By showing preparedness to implement proposed measures, by focusing on speed and meticulousness, and by appearing to be ‘on top of the process’, the Police Department seems to respond to the police critics perception and criticism that the handling of police-violence cases is usually linked to inadequacy, failure, and impasse. In other words, it seems as if the police are seeking common ground with the police critics’ reality.

However, by looking at the broader context in which these remarks are made, a different image emerges. More specifically, Mr. Browne’s remark that the department filed administrative

charges straight after the indictments, does not respond to Mr. Sharpton's remark 'to follow the lead of Philadelphia Mayor Michael Nutter and Police Commissioner Charles Ramsey.' Thus, the NYPD again ignores the solutions offered by police critics.

The communication of the findings of the RAND investigation commissioned in January 2007 after the Bell shooting again appears to be proactive and coalition-oriented:

***After the release of the RAND report on the effectiveness of the NYPD's firearms training (June 9, 2008)***

A *New York Times* excerpt:

The study, by the RAND Corporation, was commissioned in January 2007, about seven weeks after a Queens man, Sean Bell, died in a hail of 50 police bullets. Police Commissioner Raymond W. Kelly said at the time that questions about the department's effectiveness and training required an independent review.

[...] At a news conference to outline the findings, Mr. Kelly **strongly suggested that he would embrace the recommendation for a pilot program for the Taser devices**, though he said he still had to distribute the report, and its **"well over a hundred recommendations,"** to those in his senior command.

He said **he was aware that critics had assailed the use of Tasers, saying some officers tended to use them overzealously.**

[...] Christopher T. Dunn, the associate legal director for the New York Civil Liberties Union, said the report represented a lost opportunity for the Police Department and the city.

"This report does nothing to answer the major questions that many New Yorkers were asking after the Bell shooting, including why officers are firing so many shots at civilians and why blacks and Latinos seem to be such a target for police shootings," Mr. Dunn said. "Simply put, this is a major disappointment."

But he said that by Wednesday, roughly 520 new Tasers — which are not a substitute for a handgun — would be available to about 3,500 sergeants on patrol, a shift from having them kept in certain patrol vehicles and in the hands of officers in the elite Emergency Service Unit.

"This was a study that's focused on what we can do," Mr. Kelly said. **"It was not a panacea; it wasn't going to solve all issues as far as shootings are concerned."**

[...] Mr. Rostker [a senior fellow at RAND, who presented the findings at 1 Police Plaza] said that data from police departments in Phoenix, Los Angeles, Washington and Chicago, among others, was compared with data from New York. **However, he acknowledged that the races and ethnicities of those involved in police shootings were not a part of this study. RAND officials said later that the group was not asked to look at personal characteristics like race and age of perpetrators or victims in police shootings.**

Mr. Kelly said the department's **antiquated police academy would be replaced by a more comprehensive center in College Point, Queens.** Construction is expected to begin by the fall of 2009. It would include the ability for computer simulations and "tactical village" training, and various firing range simulations.

[...] **"We did not, explicitly, in 455 cases, line it up in terms of ethnicity,"** Mr. Rostker said.<sup>76</sup>

Although the police commissioner in his response to the recommendations in the RAND report does communicate a solution that acknowledges aspects of the police critics' reality (there are 'issues as far as shootings are concerned' and the remarks on the potential dangers of the Taser guns), his choice of words only marginally seeks common ground with the police critics' proposed solution that 'We want to see significant changes in how the police treat residents in our community'. More specifically, the use of the word panacea, in combination with 'it wasn't going to solve all issues' is not quite in line with the vast improvements desired by police critics. Although the police critics are not literally asking for 'a panacea', they are looking for a powerful remedy that can put a halt to the perceived pattern of police misconduct and racial injustice. Thus, there is a gap between the reality of a desired panacea, and a conveyed solution that is not. Moreover, in his response, the police commissioner does not profoundly address this larger interpretative framing held by police critics concerning police misconduct and racial injustice. Although the reference to 'all issues as far as shootings are concerned' does acknowledge an aspect of this reality, it does not acknowledge the full picture. The fact that the RAND group was not asked to look at personal characteristics like the race and age of perpetrators or victims in police shootings, also shows how the reality of police critics is ignored.

Thus, although the Police Department shows preparedness to implement proposed measures by focusing on speed and meticulousness, and appears to be on top of the process, it does so from within its own framing of the shooting based on its own conditions for appropriateness and its interpretation of statistics by the department itself or by organizations the police critics do not approve of. The NYPD for that reason does not seek common ground with the reality held by police critics. Moreover, while the police critics to a great extent exacerbate the specifics of the Sean Bell case, the NYPD conversely seems to depersonalize every aspect of it, in particular by avoiding references to the name of the victim.

### **Reality challenges**

In Part II, Chapter 1, the scope of the reality held by police critics concerning the shooting has also been scrutinized by looking at how police critics react when their reality is challenged by other stakeholders. Such analysis in this chapter is almost impossible in reference to the shooting, as the NYPD does not proactively convey its reality concerning the shooting, nor its delimitation of this reality. The only responses that surface are those of 'indistinctiveness', 'process', 'unusualness' 'seconds', 'order' and 'peace'. These responses do give insight into the positioning of the NYPD, as they show to what extent the organization seeks common ground with the reality of other stakeholders.

To start with, the NYPD's focus on the perceptions of indistinctiveness and process, inherent in the label 'this event' and manifest in the response 'I can't have a reaction' is not only a way of safeguarding the NYPD's objectives in the public debate, as discussed in the previous subsection, it also provides more insight into the extent to which the NYPD seeks common ground with the reality

held by other stakeholders in the debate. More specifically, in the specific statements aimed at deflecting a reaction, Mr. Kelly and Mr. Browne do not appear to dismiss the reality held by police critics on what happened that night. Conversely, they do ignore this reality. Not only won't they respond to the reality felt by police critics, their factual reaction is clearly not in line with the emotionally charged reality perceived by the police critics. The egocentric character of the discourse for that reason reflects the self-centered interpretative framing discussed earlier.

However, at other instances and on a deeper level the NYPD not only ignores the reality of the police critics, it also dismisses it. More specifically, by subtly conveying the scattered images of 'indistinctiveness', 'unusualness' 'seconds', 'order' and 'peace', the NYPD subtly dismisses the reality of the police critics captured in the labels 'I am/We love Sean Bell', and '50 shots' while diminishing its inherent images of magnitude, lawlessness, emotionality, and group identification.

This dismissal is supported by subtle rhetoric, as the following quotes show:

### *Just after the shooting (November 2006)*

Police Commissioner Kelly speaking on a NY1 political talk show (November 27):

"The mayor is certainly entitled to his opinion. [...] I think we need an in-depth examination of all the facts. It is **unusual** to have **this number of shots fired**."<sup>77</sup>

A *New York Times* excerpt concerning a police official responding to reporters' questions on the shooting (first week of December):

"This official said that some of the five officers who fired shots **probably** faced greater potential criminal liability than others. Although the number of shots fired has provoked outrage, **50 shots can be squeezed off in a matter of seconds**, making the number of bullets fired less important than **what started the shooting**."

"There is **nothing in the law** that says you can use deadly **force but only fire a certain number of shots**," that official said. "The number of bullets is **certainly startling to the general public**, but the key question is why was the **first shot** fired by each of them."

"You **can't** view **this** as **monolithic**," the official said. "It's **five individuals** who made five **individual decisions**."

"The **most important thing is the first shot**," he said, "**not that** the others aren't important. But the most important is the first shot."<sup>78</sup>

The quotes above show a schism in the decisiveness of the rhetoric. More specifically, by using words such as 'probably' and 'not that', the official is not making any definite statements regarding police culpability for the incident. However, he does use dogmatic assertions and emphatic word choices to refute the '50 shots' image ('can't' and 'the most important thing'), thus presenting a delimiting reality concerning the events that occurred during the shooting.

While it is difficult to examine the events and actions that challenge the reality held by the NYPD on the shooting, as the department does not speak out about this, it is conversely much easier to research

the reality challenges in regard to the NYPD's handling of the aftermath of the shooting, as well as the reality concerning broader police–community problems. This is possible due to the fact that the NYPD has conveyed the demarcation lines of these realities, as well as the realities themselves, which are characterized by a history of proper and professional police conduct and the perception that the NYPD's handling is 'appropriate'.

In fact, such reality challenges occur on numerous occasions during the aftermath of the shooting, starting just after Sean Bell was shot:

*Just after the shooting (November 2006)*

A *New York Times* excerpt on the NYPD's investigation into a possible 'fourth man':

Detectives investigating the fatal police shooting of Sean Bell, an unarmed 23-year-old black man, arrested four people at a Queens apartment building and seized a loaded semiautomatic handgun and a bag of marijuana, the police said yesterday.

The arrests were believed to be part of a broad police effort to locate witnesses — including one described by many in the case as a "fourth man" — who may have briefly been in Mr. Bell's car on Saturday morning in the moments before five police officers fired a fusillade of 50 bullets. Mr. Bell was killed in the gunfire, and his two friends, Joseph Guzman and Trent Benefield, were injured.

**The arrests did little to cool tensions in an emotionally charged case.** One of those arrested, LaToya Smith, said in an interview that she knew Mr. Benefield, who lives in the same complex, as well as Mr. Bell, who she said was helpful to her in the past. Friends and family of the three men said the police were **acting overzealously by arresting those who knew the dead and injured men**, and noted that all three were victims who have not been charged with any crimes.

**They also questioned the existence of the fourth man.**

"If he's bionic, and he's that good to get away from those bullets, I want to meet him, too," said Eboni Browning, Mr. Guzman's fiancée, after leaving his bedside at Mary Immaculate Hospital.

[...] Mr. Kelly **declined to speak about any incremental developments in the police investigation.** He said there was **nothing he could do about the skepticism** about the existence of a fourth man. "The existence of a fourth person is a **part of this investigation**," Mr. Kelly said. "It's one of the issues being addressed by investigators."<sup>79</sup>

The excerpt above shows how Mr. Kelly responds to a reality challenge ('skepticism' on how the police are investigating the 'fourth man'), merely by focusing on operational processes, arguing that the research into the fourth man is 'part of this investigation', and only 'one of the issues being addressed by investigators'. Although he acknowledges the existence of a part of the reality held by police critics ('the skepticism'), he does not acknowledge the full picture, i.e. the overzealousness perceived by police critics, which is part of the broader interpretative framing of police misconduct and racial injustice. Mr. Kelly's response to questions on the 'fourth man' is a good example of how the NYPD deflects criticism: The commissioner 'can't do anything about the skepticism of critics'. It

is simply part of the investigation. Put differently, criticism is deflected by the deterministic belief that the process itself cannot be altered, a notion that will from now on be referred to as ‘process determinism’.

Another reality challenge occurred when the NYPD was questioned about its relationship with the Civilian Control Review Board:

*In the period before the grand jury process (January 2007)*

A *New York Times* excerpt on Mayor Bloomberg’s plans to increase the funding for the Civilian Control Review Board:

Concerns about police–community relations following the Sean Bell shooting prompted the Bloomberg administration to examine the board that investigates claims of police abuse — a review that led the mayor to announce an increase in funds for it during his State of the City speech, city officials said.

The \$1.5 million increase will allow the agency, the Civilian Complaint Review Board, to retain 25 more staff members, officials said. It has a budget of about \$10 million.

[...] The catalyst that prompted the increase, people in and out of city government said, was the shooting of Mr. Bell, an unarmed black man who was killed on Nov. 25 by some of the 50 bullets fired by five officers outside a Queens strip club. “It would not have happened without the shooting,” a city official, who spoke on the condition of anonymity, said of the plans to enlarge the board’s budget.

[...] Norman Siegel, a civil rights lawyer, suggested other measures beyond a budget increase to strengthen the board are needed. He said that former Mayor Rudolph W. Giuliani had proposed moving lawyers who prosecute misconduct cases against officers from the Police Department to the review board.

Christopher Dunn, the associate legal director of the New York Civil Liberties Union, said there is tension between the Police Department and the board that seems “to have intensified” since Mr. Kelly arrived for a second stint as Commissioner in 2002. **“At best, the department has ignored the CCRB and arguably it has been hostile to the CCRB,”** he said.

**“The mayor’s giving the CCRB more money is nice, but that will not address the serious issues of police misconduct raised by the Bell shooting,”** he said. “To address those concerns, the board needs to be much more aggressive in investigating policy issues, not just individual complaints of misconduct, and **the Police Department must be much more responsive to the board recommendations,**” which it may or may not follow.

[...] Paul J. Browne, the Police Department’s chief spokesman, said Mr. Dunn’s criticism was **“as uninformed as it is predictable and biased.”**

He added: **“The department works hand in glove with CCRB on a daily basis. We train their investigators, our Internal Affairs Bureau initiates complaints on behalf of potential complainants who have yet to come forward and Commissioner Kelly championed and got off the ground a mediation program that was a CCRB priority.”**

He said that Commissioner Kelly supported an increase in funds for the board. “The police commissioner believes **anything that can strengthen the quality of CCRB investigations is good for both the Police Department and the public,**” he said.<sup>80</sup>

In this excerpt, the NYPD's reality of proper and professional police conduct is challenged by the criticism conveyed by the New York Civil Liberties Union. In his reaction to this criticism, Mr. Browne does not respond to the specific reality conveyed by the NYCLU that the Police Department should be 'much more responsive to the board recommendations'. By doing so, he also ignores the broader reality held by police critics concerning police misconduct and racial injustice. Conversely, the spokesman responds only to the broader criticism conveyed by the NYCLU that the NYPD 'has ignored the CCRB' and arguably 'has been hostile to the CCRB', by lauding the department itself, thus reiterating the interpretative framing of a competent organization capable of dealing with police–community problems, while revealing the rigid delimitation of the reality held by the NYPD on its own performance. In addition, he also sullies the NYCLU's motives and methods of criticism ('as uninformed as it is predictable and biased'), which is an unusual strategy within a broader pattern of nondescript, evasive, contained, rhetoric typical of deflective strategic PR discourse.

Only his last remark appears to seek common ground, as the NYPD seemingly supports anything that 'is good for both the Police Department and the public'. However, the conditions for 'what is good' are set by the police and not by the police critics, as some of them are saying that an increase in funding will 'not address the serious issues of police misconduct raised by the Bell shooting'.

Another challenge to the reality held by the NYPD occurred shortly thereafter:

***Council hearing in which City Council members questioned Commissioner Raymond W. Kelly on police performance in relation to the Sean Bell shooting (January 24, 2007)***

A *New York Times* excerpt on the hearing:

City Council members questioned Commissioner Raymond W. Kelly yesterday for more than three hours on diversity in the Police Department, standards for undercover operations and perceptions of the police's unequal treatment of black New Yorkers.

The questioning came at a hearing, the first in a series scheduled after the shooting of Sean Bell, an unarmed black man who was killed in Queens in a hail of police bullets on his wedding day in November.

**"There remains a problem with treatment of African Americans in this city,"** Councilman David Yassky said. **"Too many African-American New Yorkers feel that they are at risk** or that their family members are at risk of mistreatment, whether it be to be stopped without reason or to be victimized by excessive force."

Mr. Kelly, whose appearance before the Council panel was billed as a hearing on the department's training of specialized and undercover officers, **said the department is more diverse than ever because of the hiring of thousands of recruits in recent years. He also said that he had been meeting with diverse communities citywide to build stronger relations. He acknowledged the need to deal with the perception of mistreatment.**

**"It's something we have to continue to train for"** he said.

**Mr. Kelly said the department's training program is "among the best that there is," noting the Police Academy's recent accreditation by the Commission on Accreditation**

**for Law Enforcement Agencies. New York, he said, is the only big city police department to have received that recognition.**

In the hearing's most stinging remarks, Councilman Charles Barron again called for Mr. Kelly's resignation while asking the commissioner about several police shootings.

**"I ask that you do the graceful thing and resign; I say that because you have allowed this to happen,"** he said, referring to the death of Mr. Bell, 23, on Nov. 25.

Of the five officers involved in the shooting, two are white, two are black and one is black and Hispanic.

Councilman Peter F. Vallone Jr. and others distanced themselves from Mr. Barron's remarks. "You have our support and the support of the speaker," he said to Mr. Kelly, remarking on behalf of Speaker Christine C. Quinn, who had left the meeting after about an hour.<sup>81</sup>

In the excerpt above, the NYPD's reality of proper and professional police conduct is challenged by the critical questions asked by council members on the performance of the department, and by Mr. Barron's remark that the police commissioner should resign. In its response, the NYPD only seeks common ground with the reality held by police critics to a limited extent. More precisely, by acknowledging 'the need to deal with the perception of mistreatment', Mr. Kelly might be seeking common ground with the reality conveyed by Mr. Yassky that 'too many African-American New Yorkers feel that they are at risk', but he does not acknowledge the overall perceived reality by police critics that the police have a community-relations problem (or as Mr. Yassky puts it: 'There remains a problem with treatment of African Americans in this city'). Conversely, Mr. Kelly responds by praising the department for having a training program that is 'among the best that there is' and for having a force that is 'more diverse than ever'. By saying this, Mr. Kelly indirectly argues that the police critics' perception that the police are culpable for mistreatment of African Americans must be wrong, thus revealing the delimitation of his own reality and the dismissal of others.

Later that year, the *New York Times* reports on another 'reality challenge' in relation to the Sean Bell shooting, i.e. the protests after the fatal shooting of Khil Crippin, and the specific criticism on handcuffing people who have been shot by the police:

#### ***After Khil Crippin shooting (November 12, 2007)***

A *New York Times* excerpt on the police shooting of the teen Khil Crippin, who told the police he had a gun, but in fact was unarmed:

It was done after three men were shot in Queens a year ago in a hail of 50 police bullets. It occurred again on Monday, after five officers fired 20 shots at Khil Crippin outside his Brooklyn home, killing him.

A man is down, on the ground, bleeding, and the police are handcuffing him.

Relatives, friends, neighbors and curious onlookers often see one thing: a wounded man, who is already incapacitated, being further restrained.



While the deadly force itself is always Topic A, the handcuffing that follows can become a flash point for angry outbursts, seen as one final indignity. It may sound backward: The cuffs go on after the shooting.

[...] **“It is standard procedure”** said Paul J. Browne, the Police Department’s chief spokesman. **“It is standard procedure to handcuff somebody, even after he’s shot.”**

[...] Critics of the policy concede that handcuffing is acceptable to keep a shot person from doing further violence to himself or others, particularly if he may still be armed or in psychiatric distress. But several people said that police officials ought to re-examine the one-size-fits-all nature of the policy, particularly if the shot person is clearly incapacitated or dead from the bullets.

Ronald L. Kuby, a civil rights lawyer who has represented clients shot and handcuffed by the police, said the practice could leave an impression of harsh treatment, even when a shooting was justified.

**“Cuffing people after they’ve been shot, or when they’re dead, or when they’re dying,”** Mr. Kuby said, **“is one of the ugliest, most barbaric, unnecessarily horrifying things that the police do,** and they do it as a matter of course.”

[...] **“I think what you lose in public support** and approval is far greater than any marginal, negligible fraction of safety that they may gain,” Mr. Kuby said. **“All of that support is thrown away when they handcuff a helpless, bleeding, dying person, because when it looks brutal and unnecessary, it casts a pall on the entire incident.”**

[...] A similar scene played out last November, after the police fatally shot Sean Bell and wounded two of his friends as they sat in Mr. Bell’s car outside a strip club in Jamaica, Queens, after Mr. Bell’s bachelor party.

[...] Mr. Hardy and Sanford A. Rubenstein, another lawyer representing the wounded men, said they believed the Police Department should consider altering its policy.

Officers should be trained to exercise **“discretion”** in the way they restrain people, said Donna Lieberman, the executive director of the New York Civil Liberties Union. She said the use of handcuffs, even under the best of circumstances, could put physical stress on people.

**“In certain circumstances, particularly where someone is injured and it stands to exacerbate the injury, it may well be tantamount to cruel and unusual punishment,”** Ms. Lieberman said of the policy. **“I think the Police Department has to rethink it.”**<sup>82</sup>

In the excerpt above, the reality held by the NYPD is challenged by critics who question police guidelines adhered to in both the Khil Coppin and Sean Bell shootings. Again, the Police Department strictly delimits the reality concerning its own conduct, and ignores other possible realities. More specifically, by saying that handcuffing wounded perpetrators ‘is standard procedure’, the spokesman refers to its own self-centered interpretative framing of procedures and proper conduct and ignores the emotions-driven reality held by police critics of prolonged police misconduct and racial injustice as well as the consequential victimization felt by this group. Moreover, the spokesman again responds to criticism by ‘process determinism’; placing procedures above flexibility while depicting such procedures as static and unchangeable.

The Police Department also sees the criticism on the stop-and-frisk numbers published in the spring of 2008, as a ‘reality challenge’:

*After release of quarterly stop-and-frisk data (May 2008)*

A *New York Times* excerpt:

Despite criticism about aggressive policing, New York City police officers stopped more people on the streets during the first three months of 2008 than during any quarter in the six years the Police Department has reported the data.

The 145,098 stops from January through March — up from 134,029 during the same quarter a year earlier — led to 8,711 arrests and put the Bloomberg administration on course for the highest annual total. The numbers also reflect an increased reliance on a practice that has become an emotional flashpoint, particularly after the fatal police shooting of Sean Bell in 2006.

[...] **“It’s a record number, there’s nothing even close”** said Christopher T. Dunn, the associate legal director of the New York Civil Liberties Union, who has mapped the quarterly numbers provided by the Police Department.

Mr. Dunn’s analysis shows that the next highest tally of stops for a single quarter was 136,851, in the first three months of 2006.

To police officials, the practice of stopping civilians on the streets, to question and search them — sometimes looking for illegal guns — is **just one of many crime-suppression tactics**. The increased number shows that the department is standing by its strategy as a worthy practice, people in and outside of city government said.

**“Stop-and-questioning or stop-and-frisks of individuals in connection with suspected criminal activity is an essential law enforcement tool,”** said Assistant Chief Michael Collins, a police spokesman. **“The number of stops conducted by police officers is driven by the situations they encounter on patrol.”**<sup>83</sup>

This time, the NYPD’s reality is challenged by critical questions concerning the ‘record number’ in stop-and-frisk encounters. In response to these questions, the NYPD again ignores the emotions-driven reality of police critics, in which the stop-and-frisk practice is associated with racial injustice. Instead, the NYPD responds to this reality challenge by focusing on procedure and facts (‘essential law enforcement tool’), and by downplaying the emotionality, individuality, and human aspects of the police critics’ reality by the nondescript depiction ‘the situations they encounter on patrol’. By doing so, the NYPD again reveals the rigid delimitation of its own reality, while refuting the reality perceived by others. In addition, the excerpt above is again an example of how the Police Department deflects criticism by ‘process determinism’, focusing on an ‘essential law enforcement tool’ as a given fact that cannot be altered.

The Police Department was also criticized after its announcement to start an internal investigation into the conduct of the implicated officers:

*After the announcement of an internal investigation into the Sean Bell shooting (May 20, 2008)*

A *New York Times* excerpt on internal police trials:

The wood-paneled room on the fourth floor of One Police Plaza looks in many ways like a typical court of law. There are witness stands, a judge's bench, a desk for the court reporter and rows of seating for spectators.

But in many ways it is not at all like a civilian courtroom. The trial room is where the New York City police punish — or exonerate — their own, and, as the disciplinary arm of a paramilitary organization, it answers to its own set of rules.

There is no jury box, because there is no jury, and while there is a judge, the judge does not have the final say; that power belongs to the police commissioner. The Fifth Amendment does not apply. The Police Department patrol guide is the rule of law, and there is no prospect of jail time; instead, officers can be fired.

It is here where seven police officers involved in the Sean Bell shooting case could find themselves fighting for their jobs. Four of the officers, including three who were acquitted in a criminal trial, were charged with “discharging their firearms outside of departmental guidelines,” while the others were faulted for their supervision or their processing of the shooting scene.

The Police Department puts one of its own on trial at least once a week, on average, and opens the proceedings to the public. **“And after the trial, the trial record is available,”** said the department's chief spokesman, Paul J. Browne.

But critics say that parts of the process are not transparent.

**“The process of decision-making is so opaque, and takes place outside of the public's view, that people don't have confidence that justice is being served,”** said Dick Dadey, executive director of Citizens Union, a watchdog group that has called for reforms in the prosecution of police misconduct.

Joel Berger, a Citizens Union Board member and a lawyer who has represented complainants at trials at police headquarters, said **the department had refused his requests to make trial records public under state civil rights law.**

Mr. Browne said that in 2007, there were 318 cases in which uniformed officers faced administrative charges: 216 ended after a penalty was negotiated, 89 went to trial and 13 were dismissed. Of those officers who went to trial, 70 were found guilty, and 19 not guilty, Mr. Browne said. The penalties in the 70 guilty findings ranged from loss of pay to dismissal.<sup>84</sup>

In this excerpt, in which Mr. Browne responds to a reality challenge comprising questions raised by police critics on the openness of the internal trials, the spokesman ignores the reality held by police critics ‘that people don't have confidence that justice is being served’ because the decision-making process ‘takes place outside of the public's view’. Instead, Mr. Browne ignores the criticism by referring to normal guidelines and procedures (‘After the trial, the trial record is available’) and he moreover does not mention that this practice is contested by some critics, such as Joel Berger from the Citizens Union Board. By doing so, Mr. Browne ignores part of the reality held by police critics, and moreover, deflects criticism by responding with ‘process determinism’.

The question now arises as to whether the rigidly defined reality held by the NYPD, and its dismissal of other realities, also leads to an ‘us-versus-them’ positioning, such as observed by the police critics. While the NYPD does not explicitly speak of ‘us’ and ‘them’ in relation to the Sean Bell shooting, the Police Department does convey personalized/distinctive ‘us’ and depersonalized/indistinctive ‘them’ images, as discussed in Subsection 2.1.1, and subtly communicates an ‘us-versus-them’ interpretative framing in which the ‘us’ component is characterized by uniqueness and potential victimization and the ‘them’ component by being an outsider and by potential culpability — as discussed in Section 2.2 — in combination with the disregard and subtle dismissal of other realities. This leads to a different sort of ‘us-versus-them’ positioning in which a personalized/distinctive, capable and unique ‘us’ decides on what is ‘appropriate’, while a depersonalized/indistinctive, potentially harmful ‘them’, as well as this group’s desired outcome of debate and reality, are largely ignored in the public debate.

While the perceptions of ‘them’ are not explicitly quoted by the *New York Times*, Mr. Browne speaks more candidly of how the department perceives ‘them’, especially in regard to the department’s handling of the shooting:

***Personal interview held with Paul Browne (October 2009)***

Mr. Browne responding to Delores Jones-Brown’s observation that the *New York Times* coverage after the Sean Bell shooting was in favor of the NYPD (further discussed in Part II, Chapter 6):

“[One] would think after this [the shooting], that if you take anybody, and say, okay: Sean Bell shooting, police good or bad? **Bad!** You know, take the readers of the *New York Times*, take anybody, **the Police Department was viewed at fault and had done a bad thing**, I mean in the simplest of terms and for somebody that concluded the *New York Times* had unfairly or kind of dirtied up Sean Bell, **I think it is absurd**. I think if anybody surveyed *New York Times* readers on that particular story **they would find that police were at fault and sympathetic to the casualties in that shooting. I don’t think there’s any doubt about that.**”<sup>85</sup>

Mr. Browne speaking about his relationship with the press:

“The media and others will look for **me to go too far either in trying to defend the police officers or in criticism of the police conduct.**”

Mr. Browne expounding on some of the communication techniques used by police critics, both in the Sean Bell shooting, and in general:

“Most critics of the Police Department **communicate through the press.**”

[...] “**Generally speaking** our critics are not interested in real communication.”

[...] “**Somebody like Barron for example, he is not particularly interested in communicating with the Police Department. He wants to communicate and get attention in the media.**”

The excerpts show how Mr. Browne believes that different stakeholder groups are ‘against’ the police, particularly in connection with the Sean Bell shooting. While the public as a whole is

perceived as unsympathetic to the role of the Police Department and the officers implicated in the Sean Bell shooting, the media and police critics, who Mr. Browne sees as a hostile, aggressive but also insincere ‘them’, are more constantly pitted against the police. These perceptions, not explicitly conveyed in the public debate that ensued after Sean Bell, are further discussed in Part II, Chapter 7. For now, the interview excerpts show how the Police Department (‘us’) sees itself being attacked from multiple angles by a diverse group labeled as ‘them’.

### **Summary**

This subsection explored the boundaries of both the NYPD’s reality concerning the shooting and the conduct of the NYPD in the handling of the aftermath of the shooting, as well as police–community problems at large.

Concerning the first, the NYPD appears to avoid delineation of its reality concerning the shooting. However, on a deeper level, a different picture emerges: With the combined focus on indistinctiveness and process, the NYPD subtly ignores the reality of police critics, and with the scattered images of ‘indistinctiveness’, ‘unusualness’ ‘seconds’, ‘order’ and ‘peace’, the NYPD subtly dismisses the reality of the police critics concerning the shooting, which is captured in the labels ‘I am/We love Sean Bell’, and ‘50 shots’. More specifically, the counter-images presented by the NYPD diminish the labels’ inherent images of magnitude, lawlessness, emotionality, and group identification. Moreover, on a rhetorical level, the NYPD uses dogmatic assertions and emphatic expressions to underline this subtle dismissal.

Conversely, the NYPD defines and delimits the reality concerning its own conduct more profoundly as ‘appropriate’ and ‘the best we’ve ever had’, thus rigidly excluding blame for the organization’s conduct during the aftermath and for police–community problems at large. In other words, the Police Department maintains a single version of the truth of the handling of the shooting and police–community relations in general, in which hardly any other interpretations, perceptions and viewpoints are possible.

This rigid delimitation first surfaces when the NYPD presents solutions to the problems of which the Sean Bell shooting is a part. While the solutions presented appear themselves to be conciliatory, the language used to convey these solutions, as well as the roots of the solutions, are not. More specifically, they are based on the organization’s own conditions for appropriateness, including its self-interpretation of statistics, and the evaluation of third-party research. Hence these solutions exclusively match the NYPD’s own framing of its conduct and police–community problems, while ignoring those conveyed by other stakeholders. Moreover, the link between the Sean Bell shooting and the solutions is not explicitly made.

The NYPD responds to reality challenges concerning its conduct with strategies such as process determinism; indistinctiveness; merely focusing on an aspect of the reality held by police critics and not acknowledging or showing understanding for this reality; not answering questions,

restricting the setting of unilateral standards for what is appropriate behavior for the NYPD; and profoundly lauding its own conduct (and thus implying that the perceptions of police critics must be biased). Such dismissal also reveals itself on a rhetorical level: The chosen vocabulary is factual, which in itself does not seek common ground with the emotionally charged reality held by police critics. In contrast to Mr. Sharpton's passionate and rousing oratory, the language used in the statements above can be typified as bland, factual, and in line with institutional 'public relations' responses that do not give any judgment, but do not answer the questions either. By doing this, again, the reality of police critics concerning the NYPD's conduct is ignored.

The NYPD's delimiting reality concerning the conduct of the police, and to a lesser extent its reality concerning the shooting, specifically lead to an 'us-versus-them' positioning, in which the 'them' group comprises a multitude of different contingents pitted against the department.

### **2.3.3 The driving force of response and the filter of debate: Facts and processes**

This subsection takes a brief look at how the nondescript, process-oriented, factual and detached character of the NYPD's communication relates to the driving force and filter of debate. The driving force best comes to light in Mr. Kelly's official statement after the acquittals, and in the other quotes listed below:

#### ***Just after the shooting (November 2006)***

A *New York Times* excerpt on a community meeting held with Police Commissioner Kelly and Mayor Bloomberg (November 28):

Mr. Kelly declined to characterize the shooting. **"I can't afford to have a visceral reaction,"** he said. "I'm in charge of a 52,000-person organization. I'm also the final determiner as far as discipline is concerned in any process that goes forward. So I **reiterate** that **I think we need this investigation to go forward as quickly as possible.**"<sup>86</sup>

Mr. Browne in answering reporters' questions (last week of November):

When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department's chief spokesman, said, **"What we look at is the totality of the situation."**<sup>87</sup>

#### ***Just after the acquittals (April 25, 2008)***

Fragment of Police Commissioner Kelly's official statement:

**I cannot make any comment on the verdict** because any disciplinary action that might emanate from this case will ultimately come before me. We have been asked by the United States attorney to hold up any disciplinary proceedings until they make a determination whether or not they are going to be involved in this matter. **So we'll await word from the United States attorney before we will proceed with any formal investigation.**<sup>88</sup>

#### ***Personal interview held with Paul Browne (October 2009)***

Mr. Browne:

“I think one of the criticisms I’ve had about my own operation is we **tend to be in a reactive mode most of the time, despite my kind of intention to be proactive. We get overtaken by events very often** and ideally I’d kind of like to do what you’re doing in a way, at least in some small measure. Kind of take a look back and say ‘Gee, I wonder how we communicated in this and could we do it better.’”

[...] “The media and others will look for **me to go too far either in trying to defend the police officers or in criticism of the police conduct.**”<sup>89</sup>

In these quotes, the perceptions, interpretations, and positioning of the NYPD come together. Mr. Kelly’s positioning is clear: He cannot have an emotional (‘visceral’) reaction. More specifically, by saying that he cannot have a visceral reaction and that opinions should be based on facts, the commissioner appeals to logic and reason over emotion. By doing so he literally opposes the emotive communication and emotions-driven reality of police critics. His communication is thus not emotions-driven, but facts-, process- and response-driven (‘we need this investigation to go forward as quickly as possible’).

The quotes also show how the handling of the case is interpreted from a factual organic framing. This framing, in turn, reveals the filter of debate. While the police critics interpret each new development in the aftermath through an emotional filter, the NYPD, conversely, interprets developments in the aftermath from a clinical, procedural, scientific and dispassionate filter. Thus, while Nicole Paultre Bell said after the acquittals: ‘April 25, 2008, they killed Sean all over again,’ Commissioner Kelly remarks that the NYPD will ‘await word from the United States attorney before we will proceed with any formal investigation.’<sup>90</sup> Similarly, the remark made by Sean Bell’s father ‘What are they trying to do? [...] Destroy their bodies?’ is the polar opposite of Mr. Browne’s clinical comment: ‘What we look at is the totality of the situation.’<sup>91</sup>

As a final point, it is important that, while NYPD’s communication is facts-, process- and response-driven, it is also driven by the rigid positioning and magnitudinal labels maintained and zealously communicated by police critics, and by the critical questions asked by reporters. Police Commissioner Kelly’s previously discussed statements after the acquittals for example are made in response to the police critics’ strong positioning, although he does not admit that. This reactive character of communication is explained in the last excerpt printed above.

## Summary

This subsection has demonstrated how the NYPD’s communication is facts- and process- and response-driven. The first two notions also function as filters: Each new development is assessed from a factual and procedural perspective. This can be seen not only as spontaneous discourse, but also as deflective PR communication, aimed at delimiting debate and reality. The driving force and filter of debate are the polar opposite of the emotional perspective held by police critics, and the passionate and rousing oratory used to convey these emotions.

### **2.3.4 The character of communication: Deflection**

The NYPD's communication methods have been discussed extensively throughout this chapter, and hence will only be briefly summarized in this subsection.

The communication means scrutinized in this chapter include process determinism; indistinctiveness; merely focusing on an aspect of the reality held by police critics and not acknowledging or showing understanding for this reality; not answering questions; the setting of unilateral standards for what is appropriate behavior — only by the NYPD itself, and not by external stakeholders/organizations; profoundly lauding its own conduct (and thus implying that the perceptions of police critics must be biased); presenting solutions that are based on the organization's own conditions for appropriateness (including its self-interpretation of statistics, and the evaluation of third-party research); the communication of nondescript and depersonalized perceptions that diminish the magnitude of the powerful police critics' labels, and the communication of specific interpretative framings that lack emphasis on historical and organic depth, thus diminishing the magnitude of the police critics' interpretative framings.

The NYPD's communication methods differ very much from those of police critics. Overall, the communication is not confrontational, but much more defensive and deflective in its response to reality and debate challenges. The fact that a lot of responses to the press are made by 'a police official' or by Mr. Browne, and not by the police commissioner himself, further underlines the New York Police Department's deflective communication strategy.

While the NYPD does not use confrontational methods, its deflective methods can equally be characterized as 'harsh', as the perceptions, interpretations, and positioning of the police critics — purposely or not — are ignored. These deflective communication methods can hence have an equally detrimental effect on the debate.

All of these methods can be ascribed to spontaneous discourse, but they are also typical of evasive and PR communication marked by bland, factual, public relations responses that do not give any judgment, but do not answer the questions asked either.

### **2.3.5 Multiple hues: Conciliatory communication**

So far, the positioning of the NYPD in the aftermath of the Sean Bell shooting can be characterized as relatively inflexible as the department communicates its own objectives, as well as its perceived reality concerning the shooting, in nondescript terms, and, in addition, rigidly defines the reality regarding its handling of the shooting as well as broader police–community problems. Moreover, in its communication the organization ignores — and at times dismisses — large segments of the reality held by police critics concerning the Sean Bell shooting and the broader patterns of police



misconduct, racial injustice, and the civil rights movement against systematic judicial and political failures.

Although most of the NYPD's communication fits within this characterization, there are certainly exceptions. Similar to the approach in the first chapter, such coalition-oriented communication has been purposely singled out, and will be discussed in this subsection.

However, the discourse uttered by the NYPD cannot simply be divided into coalition-oriented communication and non-coalition-oriented communication. Instead, conciliatory communication and uncompromising communication are mostly entwined, and moreover, communication that appears coalition-oriented often has a deeper, contrasting, layer. Also, it is hard to determine what 'common ground' there is, as the NYPD does not convey its positioning explicitly. The analysis in this section will thus be not so much structured on the linguistic antonyms of uncompromising communication, as in Part II, Chapter 1, but on how both types of communication are entwined, how the NYPD's communication can be dual-layered, and what the gradations of coalition-oriented communication are.

Perhaps the best example of such entwined and dual-layered communication is the focus on process, discussed throughout different sections and subsections of this chapter. At first glance, the emphasis on process appears to be coalition-oriented, as it conveys the image of a department that is on top of the process, and doing its utmost best to speed up that process. The NYPD declares on various occasions that it is doing its best to accelerate this process, promising to 'move expeditiously' and to 'go forward as quickly as possible.' However, as discussed in previous sections, the focus on process also has rigid aspects, as this focus is a way of avoiding an official reaction and of deflecting criticism and also of ignoring the reality held by police critics. Moreover, the vagueness about future deadlines further diminishes the coalition-oriented approach.

Another example is the apparent understanding for community outrage, as conveyed just after the acquittals:

#### *Just after the acquittals (April 25, 2008)*

An excerpt from Police Commissioner Kelly's official statement:

There have been no problems. Obviously there will be some people who are disappointed with the verdict. We understand that. We have had no history of violence since this incident began as far as the vigils, the memorial services are concerned. We don't anticipate violence but we are **prepared for any contingency**.

**We have prepared.** We have done some drills and some practices with the appropriate units and personnel if there is any violence. But again we don't anticipate violence.<sup>92</sup>

In these statements, Police Commissioner Kelly not only conveys the perception of being 'on top of the process', he also displays indirect understanding for the problems which the death of Sean Bell has caused in the community. By saying that he is 'prepared for any contingency', Mr. Kelly indirectly acknowledges that segments of the population are angry about the possible acquittals of the

charged detectives. However, this display of understanding is not profound: He does not provide any explicit details of this contingency, even diminishing the magnitude of the problems by referring to ‘some people’. One can only guess who is planning for such a contingency, and why they are doing so.

The NYPD engages more explicitly with the reality of the police critics on other occasions. Often in such cases, Sean Bell is not the main topic of debate, but a side issue. The following quotes give more insight into this:

#### *After Khiel Coppin shooting (November 12 2007)*

A *New York Times* excerpt on the practice of handcuffing wounded suspects (including victims in the Sean Bell shooting):

It was done after three men were shot in Queens a year ago in a hail of 50 police bullets. It occurred again on Monday, after five officers fired 20 shots at Khiel Coppin outside his Brooklyn home, killing him.

[...] But in police encounters, there is often a **wide gulf between perception and reality**, said a Police Department official, who spoke on condition of anonymity because he was not authorized to speak for the agency.

**As jarring as it is to see a shot person being handcuffed or frisked, the official said, the measures are necessary.**

**And the public attention to such scenes comes only after the police have acted, he said, drawing an analogy to a sports referee who sees only the second half of some action on the field; what the suspect did to prompt the police response is often missed.**

**“Just because it might not look pretty,” the police official said, “doesn’t mean what the police are doing is not a good thing.”<sup>93</sup>**

#### *After the indictments (March 2007)*

An excerpt on the aftermath of the Sean Bell shooting:

**Police Commissioner Raymond W. Kelly acknowledged the perception** that the police were **overly aggressive in black neighborhoods** and said it was something officials **needed to continue to address**, despite successful efforts to increase minority representation within the department. The department, he said, has gone from 65% white to 55% white in five years, and he has recently hired a new African liaison official and a new Muslim liaison official.

Mr. Kelly, who attends several neighborhood meetings each week, said he was working to bolster efforts to explain **how tactics like stop-and-frisk have helped drive down crime**. At the same time, he said, the department has **“to take a look inward”** and improve training so that officers understand that stop-and-frisks, **though lawful, can be intrusive and should be used “more judiciously”** and **“perhaps with greater sensitivity.”**

“It’s a question of how we do it and where,” he said.

Noting that many residents of predominantly black neighborhoods want a strong police presence even as they express discomfort with some police tactics, Mr. Kelly said, **“They**

**want crime to go down, but they don't want to be stopped and they don't want their sons to be stopped, so it's a challenge.**"<sup>94</sup>

*In between the indictments and the trial*

An excerpt on a special presentation by civil rights advocates to police students organized by Police Commissioner Kelly:

"It is important to give new recruits **some sense of where we stand** in community relations," Mr. Kelly said. Although the presentation at the Apollo was off limits to reporters, the advocates, flanking Mr. Kelly at a news conference before it began, said that community relations were in need of repair.

[...] **"We've had complaints from people that officers are assigned to a post and they don't interact,"** Mr. Kelly said. **"We want to encourage interaction."**<sup>95</sup>

In the statements above, the Police Department seeks common ground with the reality held by police critics concerning police misconduct and racial injustice, first by acknowledging that such perceptions exist ('As jarring as it is to see a shot person being handcuffed or frisked', 'Police Commissioner Raymond W. Kelly acknowledged the perception that the police were overly aggressive in black neighborhoods', 'stop-and-frisks, though lawful, can be intrusive' and 'We've had complaints from people'), and second (in Mr. Kelly's statement) by pairing this acknowledgement with action-oriented solutions involving the improvement of department procedures ('stop-and-frisks, should be used more judiciously and perhaps with greater sensitivity', 'It is important to give new recruits some sense of where we stand in community relations', 'perhaps with greater sensitivity' and 'We want to encourage interaction').

However, there is a second layer in the communication above that shows an underlying, more rigid positioning. While the Police Department does acknowledge the reality held by police critics concerning police misconduct and racial injustice, in the end it still communicates that the police critics' perception itself is uninformed and distorted: 'Just because it might not look pretty [...] doesn't mean what the police are doing is not a good thing,' is what the official said, while comparing the distorted perceptions of outsiders to those of a 'sports referee who sees only the second half of some action on the field'. The police commissioner similarly only acknowledges the existence of the perceptions, but he does not acknowledge any degree of truth in them. In addition, he also focuses on the paradoxical, conflicting desires of the police critics, by saying that 'they want crime to go down, but they don't want to be stopped and they don't want their sons to be stopped, so it's a challenge.' Also, the Police Department offers solutions aimed at altering these distorted perceptions and paradoxical desires, for instance by bolstering 'efforts to explain how tactics like stop-and-frisk have helped drive down crime'.

The word choice remains cautious in the statements above. Not only do the statements comprise verbs and adverbs expressing uncertainty or possibility ('can be', 'perhaps'), they are also nondescript: Instead of addressing the special role of community leaders in serving as a gauge for

community problems, the NYPD remains vague in its descriptions such as ‘We’ve had complaints from people’.

Conversely, on a few occasions the NYPD does convey communication that is mostly coalition-oriented. The department does so not only by acknowledging the reality held by the community, but also by understanding this reality and acknowledging responsibility for it:

### *In between the indictments and the trial*

Police Commissioner Kelly quoted in an interview on stop-and-frisk procedures:

“Look, we understand that some of these tactics are intrusive and that a lot of people don’t like them. [...] **We need to do a better job of saying: ‘Hey, we got the wrong person. We apologize.’**”<sup>96</sup>

*New York Times* interview with Inspector Michael A. Mr. Blake, police commander of the 103<sup>rd</sup> precinct:

**“We put outreach into the community and listened to some of the things they were telling us,” including a feeling that a lot of the stops were arbitrary**, said the precinct’s commander, Inspector Michael A. Blake. He said that some of the outreach programs, like youth councils that brought officers and teenagers together, had begun two months before the Bell shooting, but that after it happened, **“members of the community were upset.”**<sup>97</sup>

### *After the release of figures on racial diversity in the top segment of the force (May 9, 2008)*

Police Commissioner Kelly in response to new figures indicating that the number of African Americans among the estimated 700 officers in the department’s top tier did not change from 2002 through 2007:

“So, we know that **we constantly have to work at keeping strong relations with our community**, and I think that the diversity of the department is the vehicle that makes it easier for us to do our jobs.”<sup>98</sup>

### *Personal interview held with Paul Browne (October 2009)*

Mr. Browne speaking in retrospect about the messages conveyed by the department:

**“I’ll be honest with you**, I have not taken the time to reflect and do that [scrutinize the communication after the Sean Bell shooting] because the nature of the beast is that it goes on the next day to the next thing. That’s one of the ... I think one of the **criticisms I’ve had about my own operation** is we tend to be in a reactive mode most of the time, despite my kind of intention to be proactive. We get overtaken by events very often and ideally I’d kind of like to do what you’re doing in a way, at least in some small measure. **Kind of take a look back and say ‘gee I wonder how we communicated in this and could we do it better.’**”

Mr. Browne speaking about the public’s perception:

“You know, take the readers of the *New York Times*, take anybody, the Police Department **was viewed at fault and had done a bad thing.**”<sup>99</sup>

The first quote, which was made by Mr. Kelly after the indictments, on the perception that African Americans are frisked more often than Caucasians, is the best example of the pursuit for common

ground in different realities. Not only does he display understanding, but he also acknowledges responsibility for problems, and offers measured solutions that emphasize this responsibility and culpability ('We need to do a better job of saying: "Hey, we got the wrong person. We apologize."'). His statement is also interesting from a rhetorical perspective: The vocabulary used is much more spontaneous, upfront and descriptive than discourse that can be seen as 'deflective strategic PR communication'.

In the second excerpt, Inspector Michael A. Blake combines an action-oriented approach with active listening to community feelings. By doing so, he engages with the reality held by police critics, understanding their feelings 'that a lot of the stops were arbitrary' and that 'members in the community were upset'. Again, the vocabulary is spontaneous and upfront, in contrast to deflective strategic PR discourse. The same can be said for the third excerpt, in which Mr. Kelly says that police–community relations is an area that requires constant concern, rather than his more frequently conveyed remark that police–community relations are the best the NYPD has ever had.

In the last two interview excerpts, Mr. Browne not only admits that his communication can be improved; he also acknowledges the reality of the public, which contrasts with the rigidly defined reality presented in the public debate. However, these last two statements were not communicated to the press, but were made in a private setting.

## **Summary**

Four different gradations can thus be identified in the language used by the NYPD:

1. Communication that is not coalition-oriented, and does not appear to be either. This type of communication has been left out of the discussion in this subsection. It includes most of the nondescript, evasive and non-committal statements made. It also includes explicit non-conciliatory communication, which does not occur very frequently: Only Mr. Browne's remark on the NYCLU is truly not coalition-oriented.
2. Communication that appears to be coalition-oriented, mainly by its focus on process, but on a deeper level is often used as a way of avoiding an official reaction (thus safeguarding the department's objective in the debate) and of deflecting criticism and ignoring the reality held by police critics (thus rigidly delimiting the NYPD reality). Such communication is characterized by nondescript, factual and detached characterizations typical of deflective strategic PR discourse.
3. Communication that appears to be coalition-oriented, as it acknowledges the existence of police critics' perceptions and provides solutions that support this acknowledgement. However, on a deeper level such communication is only to a certain extent coalition-oriented, as it does not acknowledge culpability or show true understanding for the reality held by police critics: It

acknowledges the existence of perceptions, but maintains that the perceptions themselves are biased.

4. Communication that is coalition-oriented, as it not only acknowledges the existence of the reality held by police critics, but also displays understanding for this reality, while acknowledging partial culpability and offering solutions that truly seek common ground. Such communication is characterized by spontaneous, upfront and descriptive vocabulary, unlike the deflective strategic PR discourse discussed throughout this chapter.

While the second gradation is especially pervasive in the overall communication conveyed by the NYPD, the first and fourth are the least common.

In a more general sense, it is important to note that all statements discussed in this chapter are for the most part reactive responses. The commissioner and his spokesperson are mainly responding to questions from the press and are not proactively seeking attention in the way that Mr. Sharpton and other community leaders do. This, in turn, diminishes the coalition-oriented character of their communication.

### **2.3.6 Conclusion**

This section has demonstrated how the overall positioning of the NYPD, held by Police Commissioner Kelly and his communication team, is rigid, while characterized by factuality and process.

The rigidity, often hidden in the fabric of language used by the NYPD, is different in nature to that of police critics, but can be found in similar aspects of the positioning, i.e. in the process-oriented notion of ‘appropriateness’, in the realities and solutions held and presented (or purposely not presented) in regard to the shooting, and in the conduct of the police in handling the aftermath of the shooting and broader police–community problems — the latter defined and delimited as ‘appropriate’ and ‘the best we’ve ever had’. In addition, the methods used to convey these notions are harsh, as the perceptions, interpretations, and positioning of the police critics are — purposely or not — ignored. On a rhetorical level, the vocabulary used is nondescript, factual, and detached, while the NYPD also deploys rhetorical means such as reiteration by which it in fact emphasizes the evasiveness. This reiterative evasiveness comes to light in the communication of key labels such as ‘appropriateness’. In turn, some dogmatic assertions and emphatic expressions are used to dismiss — in a subtle manner — the reality of others.

All of this results in a different kind of ‘us-versus-them’ positioning, in which a personalized/distinctive, capable and unique ‘us’ decides on what is ‘appropriate’, while a depersonalized/indistinctive ‘them’, as well as their desired outcome of debate, are largely ignored. It is important to note that the NYPD’s concept of ‘them’ is multifaceted: On a ‘street’ level, ‘them’

comprises hostile, potentially dangerous people pitted against the police, while in the public debate the NYPD finds itself pitted against hostile media, police critics and, in the Sean Bell case, also against the general public. The deflection positioning, typical for evasive 'PR discourse', only rarely seeks common ground with other realities or desired outcomes of debate.

The NYPD's communication is driven by processes and facts, but also by reporters' questions and by the police critics' powerful agenda-setting perceptions and positioning. In addition, process and facts serve as a filter through which actions are perceived, assessed, and responded to.

Location and time are factors that influence the positioning of the NYPD: The Police Department is more deflection and delimits its objectives and its reality more rigidly when confronted with challenging questions on key moments in the aftermath of the shooting, while it is more outspoken and upfront and displays more flexible definitions of debate and reality when Sean Bell is not the main topic of the discussion. There are four identified gradations of positioning, ranging from communication that is not coalition-oriented, and does not appear to be either, to communication that is coalition-oriented.

## 2.4 Conclusion and outlook

This chapter examined the perceptions, interpretations, and positioning held, maintained, constructed and conveyed by the NYPD.

The overall nature of the communication uttered by the Police Department can be characterized as deflective, non-committal, reactive, self-centered, self-praising, optimistic, future-oriented and process-oriented, with a subtly communicated ‘us-versus-them’ schism molding the different elements of discourse. Each of these elements shapes the communication in a different way.

First, the deflective, non-committal, and reactive nature of the discourse, driven by the agenda-setting labels and positioning of police critics — but also influenced by the institutional and judicial restrictions mentioned in the introduction to this chapter — makes it hard to expose the organization’s perceptions, interpretations, and positioning. Yet the evasiveness itself and, more specifically, the nondescript, non-individuating and non-committal word choice, demonstrates how the NYPD perceives the shooting and its victims, as well as the broader movement in support of the victims, in an indistinctive fashion — captured in the label ‘this event’. The evasiveness also shows how the organization often interprets the shooting and the role of police critics in an indistinctive and non-emphatic way; the former as just a ‘number’ that is part of a larger statistical picture. Deflection is also used to secure the desired process of debate, and to ignore realities held by other stakeholders including those on their perception of police culpability. This makes deflection a profound communication tool for the NYPD.

A second key component in the language used by the NYPD is that it is facts-, process- and response-driven, which in many ways complements the deflective, cautious nature of the communication. This might seem a contradiction at first glance, yet the NYPD is profoundly selective in disseminating facts during the aftermath of the Sean Bell shooting, which makes the overall nature of the communication deflective. The facts- and process-driven nature of the communication results in the perception that the shooting is but a ‘case’, a statistical anomaly, an aberration within a larger statistics-driven framing, while the Police Department characterizes its own conduct, and the events that take place after the shooting, by the notions ‘preparedness’, ‘order’, and ‘peace’ — all of which are process-oriented. In turn, the organization judges its own conduct, which in itself is process-determined, by existing procedures and guidelines. Moreover, the NYPD presents the pattern of shootings itself as an incontrovertible fact. In its positioning, the NYPD’s umbrella objective in debate/desired process of debate and the negotiation space are all captured in the process-oriented notion of ‘appropriateness’. Moreover, the Police Department responds to debate and reality challenges by focusing on process. The focus on process is thus a second profound communication tool for the NYPD.

Third, the self-centered, optimistic, and self-praising nature of the communication projects the perceptions of ‘appropriate conduct’, an organization that is ‘on top of the process’, and the



‘indistinctive’ images of ‘seconds’, ‘order’ and ‘peace’. In addition, this specific nature of the communication is reflected in the interpretative framing of the shooting within a historical and organic pattern of continuous improvement, professionalism, superiority in comparison to other cities, calmness, restraint in shootings, and arrests without incidents, in which the unique character of the police, as well as the unruliness and lawlessness in the streets, are responsible for the incidents that do occur. Moreover, the aftermath of the shooting is framed within a historical and organic pattern of competence, openness, diplomatic skills, accountability and the ability to build relationships and deal with police–community problems. The positioning is also shaped by this specific nature of discourse: Not only is the rigidly defined reality of the department’s conduct ‘the best we’ve ever had’, the latter proposition is also used to dismiss the reality held by police critics, including that on police culpability. Thus, self-praise is a third communication tool used by the NYPD.

On a rhetorical level, the specific nature of the communication is marked by nondescript, factual and detached vocabulary, but also — at first glance paradoxically — by reiteration, dogmatic assertions and some emphatic expressions aimed at underlining the non-committal nature of the NYPD’s positioning. Moreover, the latter types of strategy are used to emphasize some of the issues on which the NYPD does commit itself, such as their perception that the shooting was not racial. The rhetoric is also marked by a lack of references to the name of Sean Bell, other victims in the shooting, or the group of police critics at large.

The communication means used to convey the perceptions, interpretations and positioning range from process determinism; indistinctiveness; merely focusing on an aspect of the reality held by police critics and not acknowledging or showing understanding for this reality; not answering questions; setting unilateral standards for what is appropriate behavior exclusively to the NYPD; profoundly lauding their own conduct (and thus implying that the perceptions of police critics must be biased); presenting solutions that are based on the organization’s own conditions for appropriateness (including its self-interpretation of statistics and the evaluation of third-party research); the communication of nondescript perceptions that diminish the magnitude of the powerful police critics’ labels and the communication of interpretative framings that partly lack emphasis on historical and organic depth (for example concerning issues of race), thus diminishing the magnitude of the police critics’ interpretative framings.

The three different aspects of communication result in a subtly communicated ‘us-versus-them’ schism, comprising a personalized/distinctive ‘us’ component — characterized by uniqueness, capability and potential victimization — and a multifaceted, depersonalized/indistinctive ‘them’ component — characterized as outsiders and by potential culpability. The schism, in turn, results in a mostly uncompromising, often dual-layered, deflection ‘us-versus-them’ positioning, in which ‘us’ decides on what is ‘appropriate’, while the ‘them’ group and the perceptions, interpretations and positioning of ‘them’, are ignored and dismissed by means of deflection communication strategies

(the latter are also used to deflect the rigidity of this schism itself). The uncompromising aspect might seem to contradict the evasive, non-committal aspect of the positioning, yet the NYPD is uncompromising in its decision not to commit.

There are not many differences between the discourse from the police commissioner on the one hand and his communication team on the other. They appear to speak in one clear voice. The only notable difference is that Mr. Browne's discourse in the public debate is mainly characterized by deflective PR communication (during the interview he is more candid), while that of Police Commissioner Kelly is more mixed, as on rare occasions it is characterized by spontaneous, upfront and more descriptive vocabulary and, moreover, at times also more coalition-oriented in nature (gradations 3 and 4, as discussed in Subsection 2.3.5). The fact in itself that a lot of responses are uttered either by 'a police official' or by Mr. Browne, already characterizes the evasive character of NYPD communication: While it is to a certain degree normal for institutions to communicate through their spokesmen, it still results in less spontaneous and less emphatic communication than when it is conveyed by the person leading that organization (Mr. Bloomberg, for example, is quoted much more frequently than Mr. Kelly on the shooting).

Time and place also influence the gradation of discourse that seeks common ground: The more the Police Department is pressurized by other stakeholders, the more deflective the communication becomes.

While the institutional and judicial restrictions heavily determine the character of the NYPD's communication, the discourse can certainly be viewed from both a spontaneous and strategic perspective. As part of 'spontaneous discourse', the NYPD's communication is a reflection of their self-centered, optimistic, self-laudatory reality in which facts, statistics and broader processes are more important than — in a general sense — the personal human interest side of events, and in which the handling of the Sean Bell case should stand on its own, and that history, which is perceived in a neutral/positive way, should not be confused with current events. As strategic PR discourse, the NYPD's communication approach aims to deflect the powerful agenda-setting perceptions and images felt, created and reiterated by police critics. It is important to note that the perceptions and interpretations discussed do not necessarily represent (all of) the perceptions and interpretations held by the NYPD. In the broad spectrum of communication delivered by various different media, it is likely that the NYPD at times conveys different perceptions and interpretations.

The communication of the NYPD is in many ways the antithesis of that uttered by police critics. While the latter consists of powerful, agenda-setting, magnitudinal perceptions; an emotion-driven 'catalyst' character of response and communication; emotional rhetoric; profound historical and organic 'pessimistic' framings; passionate and rousing oratory; clear-cut, easy-to-digest messages; an attention-seeking positioning and an overall willingness to communicate, the language used by the NYPD, conversely, consists of indistinctive, cautious, and evasive perceptions; a facts-,

process- and reaction-driven character of response; nondescript, factual and detached rhetoric; often narrow and non-emphatic historical and organic ‘optimistic’ framings and an attention-deflecting positioning. Yet there is also overlap, marked by a similar ‘us-versus-them’ schism, an equally rigidly delimiting scope of debate and reality, and equally ‘relentless’ communication means.

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<sup>1</sup> For information on the size of the NYPD, see: “Frequently Asked Questions,” NYPD, accessed March 9, 2010, <http://www.nyc.gov/html/nypd/html/faq/faq.shtml>. It is against department policy to speak to the press, but also to researchers, without approval. I was informed of this on numerous occasions, for example when I called the 103<sup>rd</sup> precinct (the area where the shooting took place), for an informal meeting. Some officers did make exceptions for me. Also see: Michael Powell, “On Patrol, and Now on Edge,” *New York Times*, sec. 1, March 25, 2007.

<sup>2</sup> Within the selection of sources, the quantity of quotes by the NYPD is much less than that of other stakeholders, apart from judicial stakeholders.

<sup>3</sup> Paul Browne, interview by author, October 30, 2009.

<sup>4</sup> The restrictions are also brought up by other interviewees, even those who are highly critical of the Police Department. See Part II, Chapter 7. While Mr. Browne does not give further details on how the unions can impede the police commissioner, their powers have been discussed in Part I, and are also discussed by other stakeholders, as will be scrutinized in Part II, Chapter 7.

<sup>5</sup> Robert D. McFadden, “Police Kill Man After a Bachelor Party in Queens,” *New York Times*, sec. 1, November 26, 2006.

<sup>6</sup> Patrick Healy, “After Fatal Shooting by Police, Kelly Looks Ahead, and Back,” *New York Times*, sec. A, November 30, 2006.

<sup>7</sup> Sewell Chan, “Bloomberg Meets With Family of Young Queens Man Killed by the Police,” *New York Times*, sec. B, November 29, 2006.

<sup>8</sup> Patrick Healy, “After Fatal Shooting by Police, Kelly Looks Ahead, and Back,” *New York Times*, sec. A, November 30, 2006.

<sup>9</sup> Al Baker, “Police Statements Vary on Firing at a Vehicle,” *New York Times*, sec. B, November 30, 2006.

<sup>10</sup> Ibid. Full policy: “Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than a moving vehicle.”

<sup>11</sup> Cara Buckley and William K. Rashbaum, “A Day After a Fatal Shooting, Questions, Mourning and Protest,” *New York Times*, sec. B, November 27, 2006.

<sup>12</sup> Anemona Hartocollis, “Fatal Shootings by Police: Hard to Investigate, Even Harder to Prosecute,” *New York Times*, sec. B, December 4, 2006.

<sup>13</sup> Jennifer 8. Lee, “Bloomberg and Kelly Statements on Acquittals,” City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.

<sup>14</sup> Al Baker, “From 1 Police Plaza to Mayor’s Office? 50-Shot Case may Affect Kelly’s Chances,” *New York Times*, sec. B, May 2, 2008.

<sup>15</sup> Paul Browne, interview by author, October 30, 2009.

<sup>16</sup> Ibid.

<sup>17</sup> Patrick Healy, “After Fatal Shooting by Police, Kelly Looks Ahead, and Back,” *New York Times*, sec. A, November 30, 2006.

<sup>18</sup> Anemona Hartocollis, “Fatal Shootings by Police: Hard to Investigate, Even Harder to Prosecute,” *New York Times*, sec. B, December 4, 2006.

<sup>19</sup> Jennifer 8. Lee, “Bloomberg and Kelly Statements on Acquittals,” City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.

<sup>20</sup> Thomas J. Lueck, “216 Held as Protests of Police Acquittals Block Traffic,” *New York Times*, sec. B, May 8, 2008.

<sup>21</sup> Patrick Healy, “After Fatal Shooting by Police, Kelly Looks Ahead, and Back,” *New York Times*, sec. A, November 30, 2006.

<sup>22</sup> Michael Wilson, “50 Shots Fired, and the Experts Offer a Theory,” *New York Times*, sec. A, November 27, 2006.

<sup>23</sup> Anemona Hartocollis, “Fatal Shootings by Police: Hard to Investigate, Even Harder to Prosecute,” *New York Times*, sec. B, December 4, 2006.

- <sup>24</sup> Cara Buckley, "In Brooklyn, a Fatal Shooting, a Police Chase and an Arrest," *New York Times*, sec. 1, December 3, 2006.
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## Analysis for Chapter 3: Police defenders

While the NYPD does not visibly, profoundly, or proactively support the implicated officers in the press or in court, the entirety of people that does show support is substantial, ranging from the implicated officers themselves, their lawyers, union/fraternity leaders, supportive police officers, and random external supporters.

The consistency of this group of supporters is more heterogeneous than the NYPD, but not as eclectic and scattered as the group of police critics. Its core of supporters is formed by the implicated officers' lawyers and by the President of the Detectives' Endowment Association, Michael Palladino. The latter takes a prominent and outspoken 'layman' role in the debate similar to Al Sharpton. Other union leaders are less prominently involved, although the President of the Patrolmen's Benevolent Association, Pat Lynch, and the President of the Guardians Association, Victor Swinton, do speak out on different occasions in the aftermath of the shooting. One of the causes of the difference in communication approach between the union/fraternity leaders is that the three indicted officers were all detectives, and thus are more intensely supported by the DEA than by other unions/fraternities. Individual police officers also show their active support on different occasions, yet they do so infrequently and most of the time anonymously, as contacts with the press are restricted on most occasions. In contrast to the group of police critics, there is not an active and outspoken group of citizens in support of the detectives or the police at large: In fact no 'pro-police' meetings or demonstrations were held by citizen groups in support of the detectives. The police defenders mainly speak out in the courtroom, in the press meetings outside the courtroom, and in media interviews. Police defenders also appear in other venues, such as internal union magazines and online message boards. An example of such a venue is the public discussion board 'The Rant' where (alleged) police officers and others can vent their opinions anonymously.<sup>1</sup>

The implicated officers are shielded from the press in a similar fashion to the NYPD rank and file: Apart from their courtroom testimonies (which were read aloud) the implicated officers only speak out after the acquittals, and do so very sporadically. The officers are represented by their lawyers, who foremost defend their clients for professional reasons. In this light, the lawyers' discourse can be seen as 'strategic judicial communication', which contains a higher risk to the analysis of the police defenders than it does to the police critics: Although the victims' lawyers also use judicial rhetoric, their role is much smaller within the overall group of police critics.

However, most of the police defenders' lawyers are more than just hired legal representatives. Some of them work for the DEA, while others have personal motives to defend the officers involved in the shooting. Moreover, the lawyers hired by the DEA not only represent the individual officers, but, just like Mr. Palladino, all of the detectives affiliated with the DEA. In other words, the lawyers are *engagés* morally committed to the cause of the officers. Thus, while their discourse can be



categorized as ‘strategic judicial communication’, it can also be argued that the discourse might be more spontaneous, aimed at conveying their perceptions, interpretations and positioning held in the debate, as well as that of the officers they represent. This dual role held by the lawyers requires this chapter’s analysis to look carefully at the available discourse and interpret the discourse in the light of spontaneous, judicial and PR communication. Another specific characterization to keep in mind when researching the group of police defenders is the divergent role of the implicated officers within the group of police defenders, as they don’t defend a third party, but themselves. In some cases, the communications by the implicated officers will be treated separately from other discourse, due to its specific nature (such as the courtroom testimonies).

Another research problem is the difficulty of capturing the perceptions, framings and positioning of individual police officers, as they are eclectic in nature and only on several occasions caught by the *New York Times*. Within the analysis of the *New York Times* articles, the perceptions, interpretative framing, and positioning of the New York police officers as a group are therefore best shown by analyzing the quotes and statements of their union/fraternity leaders. While such analysis, unfortunately, disregards the differences within the diversified group of police officers, it does capture an overall consensus of the perceptions, interpretations and positioning held by this group, as the union/fraternity leaders are their representatives in the press and in court. Not all unions/fraternities are supportive of the officers involved in the shooting, which in itself is an indication of the force’s diversification. As discussed in Part II, Chapter 1, the NYPD is criticized from within its own ranks by African-American police fraternities such as the ‘100 Blacks in Law Enforcement Who Care’ and The Grand Council of Guardians.

### 3.1 Perceptions and images

This section examines how police defenders perceive both the shooting itself and the involvement of the implicated officers and the victims in it.

Police defenders are much more outspoken in conveying their perceptions than the NYPD is, yet do so in a way that is different from the police critics. While police critics' perceptions could be captured in slogans at protest marches and other events, the perceptions held by police defenders can't be captured in such a manner. A reason for this is that the police defenders are barely active in the arena of 'protest marches' or other public events. Instead, their perceptions are more intricately interwoven into courtroom discourse, opinion letters and interviews with the press. The police defenders' perceptions, therefore, remain more scattered and elusive to the eye of the outsider than those perceptions held by police critics. Due to this interwoven pattern, it is also harder to dissect the perceptions of the shooting itself, the implicated officers, and on the victims (or in a broader sense: police critics), as these perceptions are more densely packed in discourse and thus harder to separate in different analytical sections. This overlap, in turn, requires a different approach to the structure used in the previous discussions of perceptions.

Another point to address is the level of consistency in the police defenders' discourse. While both the police critics and the NYPD are consistent in the perceptions they convey, the police defenders seemingly communicate mixed messages. Moreover, the discourse appears to differ between the different parties within the group of police defenders, and between the different arenas of debate. This apparent inconsistency is partly due to the degree by which the held perceptions are intricately interwoven into their communication, making it harder to determine how the police defenders actually perceive the shooting and those involved in it, and to distinguish between spontaneous and strategic PR communication.

This section first examines the courtroom testimony derived from the implicated officers, as it is an excellent example of the density and entwining nature of their perceptions. In this analysis, such density can succinctly show the held perceptions of the implicated officers, and provide cues on those held by other police defenders. In addition, such analysis can provide an overall picture of the perceived reality experienced by the implicated officers just before and at the moment of the shooting. Moreover, choosing this specific structure also allows the analysis of this section to differentiate between courtroom discourse and that which occurs outside of the courtroom. Based on the cues found in this specific analysis, the subsequent subsections will focus on the perceptions communicated outside of the courtroom regarding the shooting, the implicated officers and the victims.

### 3.1.1 ‘Police! Don’t move!’: A closer look at the perceptions held by the implicated officers

Although the police defenders convey a variety of different perceptions in relation to the shooting and those involved, a few accentuated characterizations stand out, similar to the way the police critics’ discourse centered on the number of shots fired (‘50 shots’). These ‘umbrella’ characterizations comprise a large amount of different perceptions, which come to light in the concentrated testimony transcripts that were read aloud in court by an official from the Queens District Attorney’s Office during the trial held in spring 2008. These testimonies by themselves do not represent the overall perception of New York policemen or the perception of the group of police defenders in its totality. However, they do contain important cues for this overall perception. To start with the testimony of the detective who fired the first shot:

#### *During the trial (March–April 2008)*

*New York Times* excerpts on Detective Isnora’s testimony:

“I stated: ‘**Police! Don’t move! Police! Don’t move!**’” he said. “**The driver** floored the car and struck my leg.” He said he stumbled onto the sidewalk as Mr. Bell’s car continued forward, striking an unmarked police van, then backed up toward him. He jumped out of the way as the car backed into a storefront and charged forward again.

“I maintained focus on **Guzman**,” he said in his testimony. “I kept noticing he was going into his waistband.”

“I was watching the passenger side and I noticed he kept reaching into his waistband area and **I kept saying: ‘Police! Don’t move!’**” he said.

[...] “**Everything happened so quick**,” he said. “**It was a matter of seconds that all the rounds just went**.”<sup>2</sup>

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“I noticed that his arm was going up in an upward motion and I **yelled, ‘Gun!’**” he told the grand jury. “I felt that he had a gun and **I couldn’t wait anymore**.”<sup>3</sup>

What is interesting in the statement above is that one specific perception on the shooting stands out. More specifically, the detective both directly and indirectly focuses in his testimony on the short time frame in which the shooting occurred. The rhetorical repetition of ‘Police! Don’t move’ is for that matter just as telling as his remarks that ‘Everything happened so quick’, ‘It was a matter of seconds’ and ‘I couldn’t wait anymore’. On a rhetorical level, the detective uses words and expressions that underline the large number of (verbal) actions that took place within a short time frame, such as ‘yelled’, and ‘kept saying’, accompanied by exclamations such as ‘Gun!’ In short, it is the ‘seconds’ that stand out in Detective Isnora’s remarks, and not the amount of shots.

What is striking is that within this tight time frame, the large amount of shots — which the detective only indirectly refers to — is presented as an act that ‘just happened’ without conscious

involvement of the detective. In fact, the detective specifically links ‘seconds’ to ‘just happened’ by saying that ‘It was a matter of seconds that all the rounds just went’, and ‘everything happened so quick’: ‘all the rounds’ and ‘everything’ are the active subjects, rather than the officers themselves. By saying this, the detective abdicates responsibility by creating an overall perception that the chaotic situation (‘the seconds’) — and not the detective himself — is the main ‘culprit’ of the shooting.

What also catches the eye in the statements above is the nondescript way other elements and key actors involved in the shooting are described. While he provides great detail on his own actions, he conversely characterizes the totality of the shooting as ‘everything’ and Sean Bell is referred to as ‘the driver’. Only Joseph Guzman is mentioned by name. His nondescript, neutral word choice is therefore in line with that of the NYPD, and his characterization ‘everything’ with the label ‘This event’.

The testimony of Detective Michael Oliver comprises similar perceptions of the events that took place on November 25, 2006:

*During the trial (March 2008)*

*New York Times* excerpts on Detective Oliver’s testimony:

The detective pointed his gun at a passenger in the car in front of him and pulled the trigger again and again and again, and in what seemed like only a second or two there were no more bullets, he told the grand jurors.

“I looked at my gun,” said the detective, Michael Oliver. “I didn’t know if it had any bullets or something was wrong. I was standing right in front of **him**. I see **him** lifting his arms. I didn’t want to die. I reloaded the gun, and I continued to fire, and the **shots still are going on around me. I don’t know where they are coming from**, and all this is happening **in a matter of a couple of seconds, which it seemed.**”

[...] When a prosecutor asked if it would have been wiser to seek cover, Detective Oliver replied, “Yes, it would have been the wiser course, but **I put myself in harm’s way to protect members of my team.**”

His tone contrasted sharply with that of his co-defendant, Detective Giscard F. Isnora, whose testimony was heard last week and often seemed sorrowful and apologetic. Detective Oliver’s words sounded defensive, even defiant at times as he stood behind his actions.

[...] “**The car** just came at me and hit my van head-on, it smashed into us head-on,” he said. “**I was in shock at that point.**” The Altima then reversed, and Detective Isnora leapt from its path, before the Altima raced forward again, he said.

“I saw **Detective Isnora** with his arms out, and his gun in his hands, yelling, ‘**He’s got a gun, he’s got a gun,**’” Detective Oliver said. The Altima struck the van again, and Detective Oliver put it in park and stepped out, he said. He saw the passenger window of the Altima blow out.

“**I yelled**, ‘Police, don’t move!’” he said. “I still see **a passenger** appearing to be raising a gun. So I started firing my weapon.” He said he never saw the driver, although at least three of the four rounds that struck Mr. Bell were later found to have come from his gun. He focused on Mr. Guzman, who had 19 bullet wounds, including exit wounds, prosecutors have said.

**“I was not about to let him get that arm up.** I thought if **he** got that arm up, then **he** was going to kill me,” Detective Oliver said.

**“Everything happened extremely fast,”** he said.

When the Altima’s rear window blew out, Detective Oliver changed his aim to the man in the back seat, Mr. Benefield. “I thought he was shooting at **my team**, and I began firing at **him**,” he said.

He said he **did not know that any other officers were firing at the car**. He said he fired the full 16 rounds in his gun, reloaded and fired the 15 in his new magazine as quickly as he possibly could.

But when asked if he felt he should have reassessed the threat at some point, he said: “I **reassessed after every single shot**, and after my second magazine I had no more bullets. I then had no choice but to assess the situation.”<sup>4</sup>

Just like Detective Isnora, Detective Oliver focuses in his testimony on the short time frame in which the shooting occurred. This focus is again conveyed directly (‘Everything happened extremely fast’ and ‘all this is happening in a matter of a couple of seconds’) and indirectly (‘He’s got a gun, he’s got a gun’). It is thus again the ‘seconds’ that stand out in the testimony, although some remarks are made concerning the large amount of shots.

Unlike Detective Isnora, Michael Oliver seemingly does not link these ‘seconds’ directly to ‘it just happened’, as the detective conveys the perception that he consciously fired the shots and also reassessed after every single shot (in contrast to Detective Isnora’s remark ‘all the rounds just went’). By doing so, he assigns himself a less passive role than the detective who fired the initial shot (‘I was not about to let him get that arm up’). However, he does make a more subtle connection between both notions, for instance by saying ‘Everything happened extremely fast’. By linking the nondescript pronoun ‘everything’ to the verb ‘happened’ and to the tight time frame ‘extremely fast’, Mr. Oliver creates an overall perception — just like Detective Isnora — that the chaotic situation (‘the seconds’) and not the detective himself is the main ‘culprit’ of the shooting. This chaotic situation is amplified by descriptions such as ‘shots still are going on around me. I don’t know where they are coming from’ as well as the description of the frantic words of Detective Isnora. Moreover, other parts of Detective Oliver’s testimony refute his conscious approach (‘I was in shock at that point’ and ‘[I] did not know that any other officers were firing at the car.’)

While the totality of the event and the responsibility for the shooting are thus characterized as ‘everything’, Detective Oliver characterizes the victims of the shooting in an equally nondescript way (‘him’, ‘he’, and ‘a passenger’). Conversely, Mr. Oliver does mention his colleague Detective Isnora by name. This rhetorical schism between a personalized ‘us’ and a depersonalized ‘them’ is exacerbated by Mr. Oliver’s focus on a sense of team spirit, as the detective refers to ‘my team’ (twice) and to the necessity to protect this team.

The testimony of Detective Michael Cooper is not extensively covered in the *New York Times*, and his quotes do not provide much more insight into the perceptions held by the police officers. The testimony of ranking officer at the scene Lt. Gary Napoli conversely does contribute to the understanding of these perceptions:

***During the trial (February 2008)***

*New York Times* excerpts on Lt. Napoli's testimony (ranking officer at the scene):

"If **anyone** came up on our car, I would have fired," said the officer, Lt. Gary Napoli, in part of the second-by-second account he gave in the trial of three detectives charged in Mr. Bell's killing after his bachelor party on Nov. 25, 2006.

[...] The lieutenant said **they were forced into split-second decisions they believed were necessary to protect their lives.**

[...] **"This is seconds,"** he said. **"Everything is in seconds. A very close approximation of time."**<sup>5</sup>

Similar to the accounts given by Detectives Isnora and Cooper, the quotes above comprise reiterations (twice 'seconds' and once 'a very close approximation of time') of the short time frame in which the shooting took place. The reference to 'seconds' again stands out, while the number of shots is not mentioned. 'Seconds' is once more connected to the notion of culpability. The word 'forced' for that matter reveals Mr. Napoli's perception that the officers' actions ('split-second decisions') were unavoidable, again showing how it is not the police officers who are culpable for the lawless chaotic situation, but the vaguely described 'this' and 'everything'. The perception of the victims ('anyone') is also nondescript.

**Summary**

So far, the concentrated courtroom testimonies have shown how the implicated officers perceive the shooting as 'A matter of seconds'. The meaning of these 'seconds' is threefold. More specifically, the label 'seconds' conveys the implicated officers' perception of the totality of the shooting, their perception of their own actions and emotions felt in this, and their belief that the 'seconds' (i.e. the totality of the events) is the main 'culprit' of the shooting.

The implicated officers do not go into further detail on the totality of the shooting, besides the focus on 'seconds'. Similarly, the detectives also depict the victims in a depersonalized and indistinctive manner, resembling the NYPD's label 'This event'. Conversely, the officers portray themselves and their colleagues as three-dimensional characters, with emotions and motives, resulting in an overall personalized 'us' team, and a depersonalized 'them'.

It is inevitable that these images appear so frequently and profoundly in courtroom testimony, as the officers need to tell their side of the story. Yet the perceptions of a personalized 'us' and a depersonalized 'them' within an overall held reality of 'A matter of seconds' — in which culpability is

not assigned to a specific actor in the shooting — do stand out and also provide cues to the perceptions held by the group of police defenders in its totality, as the broader analysis in the three subsections ahead will further examine.

### 3.1.2 ‘A matter of seconds’: A label for the shooting and who is responsible

The perception that was most prominently visible in the analysis of courtroom testimony was the focus on ‘seconds’. It is therefore interesting to look at the extent to which this focus occurs in discourse outside of the courtroom. To start with, both the detectives’ lawyers and the Detectives’ Endowment Association President Mr. Palladino refer in their discourse to ‘seconds’, especially in response to the police critics’ perception of ‘50 shots’:

#### *Just after the shooting (November 2006)*

James M. Moschella, a lawyer for the DEA:

“Each officer who discharged their weapons **believed that their lives and the lives of their partners were in imminent danger.**”<sup>6</sup>

Michael J. Palladino, the president of the Detective Endowment Association:

“The **amounts of shots** that were fired **do not** necessarily spell out the word **excessive.**”<sup>7</sup>

#### *In between the indictments and the trial*

James J. Culleton (Detective Oliver’s lawyer) in an interview with the *New York Times*:

“**I can understand** why people might be startled at the 31 shots”  
[...] “Everyone is **fixated** on the **number of shots** my client fired, but it **only took 10 seconds: the thing was over before it began.**”<sup>8</sup>

#### *At the beginning of the trial (February 2008)*

A *New York Times* excerpt:

He said the prosecution’s “fatal flaw” was its “**fixation**” on the number of police rounds fired. What was important, he said, was **why he fired those first shots.** “The only reason Detective Oliver sits in this courtroom,” he added, “is because he fired **31 shots.**”<sup>9</sup>

#### *Just after the acquittals (April 2008)*

An excerpt from a *New York Times* Op-Ed article by Kyle K. Murphy, a former lieutenant in the New York Police Department:

That said, I do believe that **the first officer to fire his weapon in the Bell case, Detective Isnora, carries a greater moral responsibility than the others.** Once he fired, **contagious shooting took hold, making it difficult for the others to stop.**<sup>10</sup>

In the statements above, the police defenders both focus on ‘seconds’ (‘it only took 10 seconds’) and ‘shots’ (‘The amounts of shots that were fired’), the latter in contrast to the evasive discourse on this

matter in the testimonies of the implicated officers. However, the police defenders merely acknowledge the fact that others hold this perception ('I can understand'). 'Seconds' and 'shots' have a causal relationship for that matter. More specifically, the three police defenders quoted above try to shift the focus ('fixation') from the number of shots to the scarce amount of seconds in which the events took place and moreover, with the danger the officers were facing. Similar to the NYPD, the police defenders also focus on the first shot, and not the totality of shots. Again, 'seconds' is perceived as a cause for the chaotic and lawless situation, and not the implicated police officers. By focusing on the officers reasons for firing, such as that they 'believed that their lives and the lives of their partners were in imminent danger', the police defenders give a three-dimensional picture of the motives of the implicated officers, while not doing so for the others involved in the shooting.

On a rhetorical level the police defenders use nondescript vocabulary to convey their communication on the shooting itself. Mr. Culleton speaks of 'the thing', which is not only a euphemistic way of describing the shooting, it also downplays the magnitude of the 50 shots fired and of the totality of the shooting itself, in line with the NYPD's depiction of 'This event'. Similarly, Mr. Culleton and Mr. Palladino refrain from mentioning the symbolic '50', and instead mainly refer to 'the number/amount of shots', although Mr. Culleton does mention the 31 shots fired by his client. Interestingly, in the one-on-one interview held with Mr. Palladino, he does not refer to '50 shots' either throughout most of the interview. Only in the end, after prompting by the interviewer, does he talk about the large amount of shots fired.<sup>11</sup> The vocabulary used is again emotive and emphatic, exacerbating the perceptions, but also the emotions felt by the officers.

## **Summary**

In short, the continuous focus on the number of seconds can be seen as a label applicable to the group of police defenders in its totality, as it captures and succinctly describes the group's perceptions. More specifically, the phrase segment from Detectives Isnora and Oliver's testimony discussed earlier — 'A matter of seconds' — best captures all the discussed characteristics, even more so than for instance the reference to '10 seconds'. The number 10 is not symbolic for that matter, and is not reiterated as the number 50 is. A reason for this is that the number 10 is merely an approximation, while '50' is the exact amount of shots fired. Conversely, the phrase 'A matter of seconds' provides insight into the perceptions held by police defenders. More specifically, 'A matter of seconds' stands for the imminent danger of the events leading up to the shooting, the fear felt by the officers, and the perceived necessity to respond. While this label provides a vivid picture of the motives of the officers, the culpability for and the totality of the shooting are simply described as 'a matter'. While 'A matter of seconds' in itself is a factual explanation, it also stands for the emotions felt by the detectives during the shooting, making the label emotionally charged. For this reason the statement functions as a label. While the label does stand for 'chaos' and 'unruliness', the police do not bear culpability for this.



More specifically, while ‘50 shots’ comprises a rigidly defined notion of culpability, the label ‘A matter of seconds’ comprises an explanation of why this notion should *not* be so rigidly defined. For that matter ‘A matter of seconds’ is a label that comprises the realities held by the police defenders, just like ‘50 shots’ comprises the realities held by the police critics. In fact, the label ‘A matter of seconds’ does not tell much about this reality. Again, only rarely do the statements scrutinized in this subsection comprise the names of the victims of the shooting.

As a final note: The statements used in this subsection can be seen as ‘spontaneous communication’ in which the perceptions of the officers are conveyed, as strategic PR communication, in which these perceptions are intentionally emphasized and reiterated, and as ‘strategic judicial communication’ in which the perceptions are used for judicial reasons to convince the judge that the officers should be acquitted.

### 3.1.3 A ‘tragic set of events’: a second label for the shooting and who is responsible

While the testimonies of the implicated officers do not provide much insight into the totality of the shooting (apart from ‘A matter of seconds’) police defenders outside of the courtroom do convey their conception of the shooting in its totality in a more diverse way. Apart from labeling the shooting as ‘A matter of seconds’, the police defenders also concentrate on another core depiction, which, in a way, is an extension of both the ‘seconds’ label and its inherent deflection of culpability.

The following quotes give more insight into this core depiction, which the police defenders conveyed almost immediately after the shooting occurred:

#### *Just after the shooting (November 2006)*

A *New York Times* excerpt on the lawyers’ decision to let the implicated officers speak to the prosecutor:

In a move that suggests the officers feel their actions were justified, the lawyer representing the men said he had contacted Mr. Brown’s office and offered to have the officers speak to prosecutors and appear before a grand jury voluntarily without immunity. The police have not released the officers’ names, saying they are trying to protect them from retaliation or harassment.

Philip E. Karasyk, who is a lawyer for the Detectives’ Endowment Association, said, “We feel confident that once all of the facts and circumstances of this **tragic incident** are known, then our detectives will be exonerated.”

“This was a **tragedy**, but **not a crime**,” he said.<sup>12</sup>

#### *During the grand jury process (March 2007)*

A *New York Times* excerpt on Mr. Palladino speaking about the officers during the grand jury trial:

He also defended the officers. “My position is today what it was from the beginning,” he said. ‘Although it is a **tragic set of events**, it does not rise **to the level of criminality**.’<sup>13</sup>

A *New York Times* excerpt on Mr. Culetton speaking about the officers during the grand jury trial:

“They [the jurors] will conclude that while this shooting was a **horrible tragedy for all involved, especially Sean Bell and his family**, that **no crime** was committed by Detective Oliver or any of the officers involved.”<sup>14</sup>

#### *Just after the indictments (March 2007)*

A *New York Times* excerpt:

The wait was a somber one, said Philip E. Karasyk, who represents Detective Isnora. “There is **nothing more heart-wrenching** than to see a police officer put through the system, especially one **who didn’t do anything wrong**,” Mr. Karasyk said.<sup>15</sup>

#### *Just after the indictments (March 2007)*

A *New York Times* excerpt on the opinion of random officers on the indictments:

Other officers said they read of the indictments with a nagging thought: But for the grace of different assignments, they might be facing similar charges. “I don’t know what was going through their heads,” a five-year veteran in the Bronx said of the indicted detectives. “They might have made a **mistake**, but I don’t think they deserve to be facing criminal charges.”<sup>16</sup>

#### *In between the indictments and the trial*

Mr. Culetton in an interview with the *New York Times*:

“**This was a tragedy**, a **tragic mistake** was made, but there was **no crime** committed.” [...] “What you had in Diallo and in this case is a shooting where the officers believed deadly physical force was being, or was about to be, used against them. Everyone is fixated on the number of shots my client fired, but it only took 10 seconds: the thing was over before it began. If an officer believes deadly force is being used, he is justified in using deadly force in return. It doesn’t matter how many times he shoots. He is supposed to shoot until the threat is eliminated.”<sup>17</sup>

What catches the eye first in the quotes above is that the lawyers of the detectives almost instantaneously and universally characterize the shooting as a ‘tragedy’, which at first glance seems to be a notion that is directed more towards the victims and their emotions, as well as towards the magnitude of the shooting (in line with ‘50 shots’), than the nondescript label ‘A matter of seconds’ is. However, in order to understand the full/deeper meaning of the word, as well as the implications of the word’s usage in this specific context, it is first important to look at its definition:

#### **Tragedy**

1. An event causing great suffering, destruction, and distress.
2. A serious play with an unhappy ending, especially one concerning the downfall of the main character.<sup>18</sup>

Although the police defenders’ use of the word obviously refers to the first definition, both definitions provide useful insight, as they imply that while a tragedy is a ‘set of events’ in which the ‘actors’ do their part, it is the event itself that causes ‘great suffering, destruction, and distress.’ By this definition, the word ‘tragedy’ opposes the clear-cut culpability inherent in the label ‘50 shots’, in fact implying

that it is the event itself that caused the suffering, and no one else. This is in line with how the label ‘A matter of seconds’ links ‘seconds’ to ‘it just happened’.

The police defenders for that matter link the word tragedy to phrases such as ‘no crime’ ‘not a crime’, and ‘does not rise to the level of criminality’. The reiteration of ‘no crime’ in combination with the word ‘tragedy’ further reinforces the notion that the officers are not to blame for the suffering. The focus on innocence is also exacerbated by phrases such as ‘set of events’ ‘mistake’ and ‘incident’, which are void of any cues concerning the responsibility for the tragedy.

The notion of ‘tragedy’ also appears to comprise the pain and emotions felt by the victims of the shooting. The use of the word, as well as its full definition quoted above, prove otherwise. Converse to the limited culpability for the shooting, the scope of participation in the police defenders’ concept of the word tragedy is indeed large, which in fact diminishes the magnitude of the pain and emotions felt by the victims. As Mr. Culleton more specifically put it, it is a ‘horrible tragedy for all involved’, a statement that opposes the one-sided victimization inherent in the label ‘I am Sean Bell’. Although the tragedy ‘especially’ applies to ‘Sean Bell and his family’, Mr. Culleton’s statement indirectly implies that the tragedy also applies to the detectives. In other words, all involved are experiencing suffering, as Mr. Karasyk underlines with his remark ‘There is nothing more heart-wrenching than to see a police officer put through the system’, in which he in fact rhetorically places the tragedy of his client above the tragedy of the Bell family (‘nothing more’).

The notion ‘tragedy’ also appears to be more descriptive in regard to the victims and the group of police critics than the courtroom testimonies and the discourse related to ‘A matter of seconds’. An explanation for this can be that the latter label is specifically used to convey the held reality in which the police were operating on the night of the shooting, and the former is used to show what the outcome of the event is in retrospect. However, a closer look at the word tragedy reveals that the word is still often paired with ‘nondescript’ words. The expression ‘set of events’, for instance, does not give details on the shooting. Moreover, the police defenders do not emphatically link the word ‘tragedy’ to the name of Sean Bell, as they only rarely use the label ‘Sean Bell case’.<sup>19</sup> The apparently descriptive perception communicated by the police defenders that the shooting is a ‘tragedy’ is thus at best a mix between descriptive and nondescript elements, the latter relating to the reality held by the police officers that the police are not culpable for the shooting.

What also stands out at first glance is the level of emotionality. In contrast to the clinical depiction of ‘aberration’ conveyed by the NYPD, the depiction of a ‘tragedy’ is certainly emotionally charged, especially when paired with words such as ‘horrible’, or when described as ‘heart-wrenching’. However, the words ‘set of events’, ‘mistake’ and ‘incident’ do not exude this emotionality, as they are more neutral and detached again. Once more, a reason for this can be the fact that they relate to the reality held by the police officers concerning the assignment of blame.

This apparent discrepancy between detachment and indistinctiveness on the one hand, and emotionality and detail on the other, comes to light best in the rhetorical combination of ‘tragic set of events’, as it encompasses the magnitude and universality of the tragedy, victimization, and felt emotions on the one hand, while on the other hand the neutral word ‘events’, provides nondescript and evasive perceptions of the shooting itself and the question of who is responsible. The expression ‘tragic set of events’ therefore is a label that captures and succinctly describes the scattered and sometimes seemingly conflicting perceptions held by police defenders.

The quotes above can be seen as ‘spontaneous discourse’ aimed at conveying perceptions and images held and constructed by police defenders, as ‘strategic PR discourse’ aimed at altering public perceptions of the incident and as ‘strategic judicial discourse’ aimed at influencing court decisions. The statement that the incident does ‘not rise to the level of criminality’ underlines this judicial focus. It is therefore also interesting and necessary to see whether and how other police defenders, who are less likely to convey strategic judicial discourse, focus on the word ‘tragedy’:

#### *Just after the indictments (March 2007)*

Excerpts from a *New York Times* Op-Ed article by Robert Leuci, a former New York Police Department narcotics detective:

**Tragic, horrible** — but an aberration? Hardly. Such things are rooted in the human realities of police work.

[...] Sean Bell and I went to the same high school, pitched for the same high-school baseball team — 50 years apart. I look at his picture, a handsome young man with a beautiful fiancée and an adorable child. **Tragic, horrible.**

[...] In practically every police shooting there are two views: the way it looks and the way it really is. Still, one fact will always remain — **shootings are always tragic.**<sup>20</sup>

A *New York Times* excerpt on the grand jury indictments:

When the same news reached the 103rd Precinct station house, on Police Officer Edward Byrne Avenue, one officer, a 17-year veteran who declined to give his name, said he was sorry to hear it. A jury would see — he was sure of it — that Mr. Bell’s death, **while tragic, was nothing more than an accident.** But, he said with resignation, the indictments “will make the public happy.”<sup>21</sup>

#### *Just after the acquittals (April 2008)*

Speech by Detective Cooper:

“I’d like to, uh,” he said, and then stopped. Seconds ticked by. His hands nervously worked the sides of the lectern, back and forth, back and forth, before he raised his head and picked up midstream, “say sorry to the Bell family for **the tragedy.**”<sup>22</sup>

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

Since no gun was found in the vehicle, it is clear that the police officers made **a tragic mistake.** They even violated department guidelines, which prohibit using deadly force against

someone in a vehicle unless he is threatening an officer's life by means other than the vehicle, such as firing a gun at the same time. **But in the end, what they did was not criminal.**

When police officers are cleared of **charges in a tragedy like the Bell shooting**, or that of Amadou Diallo in 1999, critics will look **elsewhere to assign blame**.<sup>23</sup>

Just like the detectives' lawyers, the police defenders above focus on the word 'tragedy' to convey their perceptions and images of the shooting. The word tragedy is thus pervasive in the discourse by police defenders, ranging from the detectives themselves to former and current police officers. As with the lawyers, they downplay culpability for the shooting, by using words and phrases such as 'mistake' and 'nothing more than an accident', and 'not criminal'. It is also striking that the word tragedy is again frequently paired with 'horrible', exacerbating the emotionality of the word.

In the statements above, the broad scope of the word 'tragedy' is also further elaborated. By saying that 'shootings are always tragic', Robert Leuci practically annuls the detectives' responsibility for the shooting, while stressing the universality of the tragic consequences, not only with regard to those affected, but also the frequency with which it happens. His statement 'Tragic, horrible — but an aberration?' therefore linearly opposes the NYPD's use of the label 'aberration', which focuses on the anomalies of the Sean Bell case. Yet the outcome in regard to overall culpability is the same: by defining all shootings as tragedies, the overall culpability for the police in these shootings is zero. Mr. Murphy similarly sets 'a tragedy like the Bell shooting' against the assignment of blame, thus also reducing the culpability factor.

On a rhetorical level, the police defenders quoted above again mention more details on the shooting, including the names of the victims, as opposed to the courtroom testimonies and the NYPD's indistinctive reference to 'This event'. However, they do shun descriptions that emphasize the magnitude of the shooting in regard to culpability. While the label 'tragedy' — and equally '50 shots' — does comprise a focus on 'magnitude', this magnitude refers to the universality of the victimization felt, and not to police culpability and police lawlessness. Detective Isnora's speech is emblematic for that matter. Although he apologizes to the Bell family, the non-specificity of the word 'the' in 'the tragedy' indicates that the tragedy is felt by everyone, and that it is the event itself that is the main culprit of the universally felt 'suffering, destruction, and distress'. There is no human being responsible for the tragedy, while the tragedy itself is an active subject.

## Summary

In short, this subsection has demonstrated how police defenders label the totality and outcome of the shooting as a 'tragic set of events'. This dual-layered notion combines emotionally charged and descriptive perceptions of the universally felt victimization with detached and indistinctive perceptions in regard to the magnitude of the shooting and the role of the officers. More specifically, the 'tragic' component of the label is emotionally charged, and both organically broad (everyone is involved in the tragedy) and historically broad (all shootings are tragic) exacerbating the perception of universal

victimization and meanwhile deflecting the culpability question. In other words: everyone is a victim, also those who fired ‘50 shots’. Conversely, the expression ‘set of events’ is not emotionally charged, and moreover, is an indistinctive and detached way of characterizing the shooting without assignment of blame.

### **3.1.4 ‘Every day is hell for these guys’: A self-label for the implicated officers and the police defenders as a group**

So far the analysis of this section has demonstrated how the discussed labels ‘A tragic set of events’ and ‘A matter of seconds’ refer to the totality of and culpability for the shooting. More specifically, the label ‘A tragic set of events’ provides insight into the perceptions of the shooting in retrospect, while the label ‘A matter of seconds’ rather represents the reality in which police defenders (including the implicated officers) believe the officers acted. The latter label thus gives some insight into how police defenders perceive the implicated officers’ character, i.e. their perceived reality, as well as their reasons for firing their guns.

Yet this is just one aspect of the police defenders’ characterization of the implicated officers. Besides the focus on seconds/perceived reality, the police defenders also convey their perceptions of the officers involved in the shooting in other ways. These perceptions are mainly conveyed by the detectives’ lawyers and by Mr. Palladino, yet individual police officers also speak out on certain occasions. The transmission pattern of these perceptions in regard to the implicated officers differs somewhat from that of the police critics; while the police critics start to convey their perceptions of Sean Bell immediately after the shooting through the labels ‘I am Sean Bell’ and ‘We love Sean Bell’, the police defenders are initially more reluctant to convey the perceptions of the officers involved. This pattern changes to a certain extent when the police defenders start speaking out. In fact, from that time on they stress the need for the officers to speak out, although they do so again in a subtle manner:

#### ***During the grand jury process (February–March 2007)***

Mr. Karasyk on Detective Isnora’s grand jury testimony:

Still, Mr. Karasyk acknowledged that his client “was the first shooter.” He said the detective gave grand jurors “a **picture of everything that was going through his mind** and why he took the steps he took.”<sup>24</sup>

A *New York Times* excerpt on the testimonies:

Union officials and lawyers for the men said they had been **eager to talk** about what occurred on Nov. 25, when they and their colleagues opened fire on Mr. Bell’s car outside the Club Kalua strip club in Jamaica, Queens.

[...] Separately, each officer declined to discuss his testimony. But union officials and their lawyers spoke for them. “My client **is relieved** that he had **the opportunity to answer the questions** the grand jury posed to him,” said John Arlia, the lawyer for Detective Headley.

**“He is relieved he had the opportunity to speak to them and tell his version of the events.”<sup>25</sup>**

Mr. Lynch on Officer Carey’s testimony:

**“We’re pleased that today has come where we have the opportunity for this police officer to go out and tell his side of the story: the thoughts he had at the time, the facts that he dealt with out in the street that night,” Mr. Lynch said.”<sup>26</sup>**

Mr. Palladino on the trial:

**“As far as I’m concerned, I think the grand jury, in order to make an informed decision on this very important case, has to hear from the detectives.”<sup>27</sup>**

*In between the indictments and the trial*

Mr. Karasyk after a brief court hearing:

**“When this guy gets up there and he tells his story, I just do not believe that 12 fair-minded people are going to say he was unreasonable to believe he was about to be shot at.”<sup>28</sup>**

*During the trial (March 2008)*

Anthony L. Ricco (Detective Isnora’s lawyer) on his first meeting with his client:

**“Eventually I met with Jesse. My first meeting with him was to get a sense of his background, his character.”** The two walked around the city, he said, and Mr. Ricco agreed to take the case.<sup>29</sup>

What is striking in the statements above is how the police defenders focus on the need to convey the inner lives of the officers involved. They do this by emphasizing the advantages of knowing this inner life (‘get a sense of his background, his character’, ‘has to hear from the detectives’), by expressing enthusiasm (‘pleased’, ‘eager’, ‘opportunity’), and by underlining the emotions felt by the officers now that they are able to speak out (‘relieved’). From a judicial standpoint, this is a strategy for the lawyers to show the officers’ version of the events (‘a picture of everything that was going through his mind and why he took the steps he took’). From a strategic PR perspective, this focus can be a strategy to emphasize the personality and human side of the officers, by conveying a three-dimensional characterization of them. Similarly, from a ‘spontaneous’ perspective, the police defenders perceive the police officers much more as three-dimensional personalities than do the police critics. Both the explicit emphasis on Detective Isnora’s nickname — not only in the statement above but also in other quotes — and the implicit informal reference to ‘this guy’ further reinforce this personalization from both a ‘spontaneous’ and ‘strategic’ point of view.

On a different note, it is striking that Mr. Palladino emphasizes the importance of the Sean Bell case (‘very important case’) and hence draws attention to the case itself. This differs from the approach of the NYPD, and is more in line with the magnitudinal images conveyed by police critics.

Thus, while the police defenders do not convey much information about the case itself, they do perceive the case as weighty and important.

The focus on the emotions felt by the implicated officers extends from the vocabulary used to emphasize the importance of ‘speaking out’ to an overall emotional tone in describing this inner life itself:

#### *Just after the shooting (November 2006)*

A *New York Times* excerpt on Detective Isnora:

An acquaintance of the officer said yesterday that Saturday’s shooting had left him “**a little shaky**,” adding, “**He was upset**.”

[...] “He **feels** very bad for the family of the deceased,” the acquaintance said. “He **feels badly** that this had to come to this. He **sincerely, sincerely felt** that he was in mortal danger. He’s never fired his gun before and he hopes he will never fire it again.”<sup>30</sup>

#### *During the grand jury process (March 2007)*

A *New York Times* excerpt:

Lawyers for the officers have said that the shooting **tore** at their clients **emotionally**.<sup>31</sup>

#### *Just after the indictments (March 2007)*

Mr. Karasyk on the indictments:

“Obviously, **my client is upset**, and he’s looking forward to having his day in court, and we’re all confident he will be vindicated.”<sup>32</sup>

#### *In between the indictments and the trial*

Mr. Karasyk after a brief court hearing:

“We want to get this over with [...] **Every day is hell for these guys**.”<sup>33</sup>

#### *During the trial (March 2008)*

A *New York Times* interview with Mr. Ricco:

When he is cross-examining a witness, the dead man’s parents are less than 20 feet behind him. “They [Sean Bell’s family] are **suffering**, and I am very conscious of that in the courtroom,” Mr. Ricco said. “But I have an **overriding responsibility to represent Jesse**.”<sup>34</sup>

#### *After the acquittals (April 2008)*

*New York Times* excerpts:

The lawyers for each of the detectives said that their clients were **still reeling from the shock and relief** that the verdict had brought, and were not willing to give individual interviews. **Each detective had been in deep retreat for the last 17 months, their lawyers said, rarely venturing outside their homes, and finding solace in family members and close friends.**



“It’s been **hell** for him,” said Philip E. Karasyk, who represented Detective Isnora. “He’s been a **nervous wreck**.”

[...] Detective Cooper, 40, lives in Orange County with his wife and three children, said his lawyer, Paul P. Martin. Detective Cooper, who is black, was **especially crushed** by allegations that racism prompted the shooting, Mr. Martin said, because he had mentored black youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group.<sup>35</sup>

The statements above show how police defenders convey their perceptions of the inner lives of the detectives involved in the shooting. This inner life is filled with emotions, according to the police defenders, ranging from being upset to feeling remorse, and can be summarized as a ‘hell’. The word choice in the statements above is emotive and emphatic, imbued with allegories (‘hell’), and expressions that focus on magnitude (‘every day’, ‘nervous wreck’), exacerbating the perception of the hardships the officers are going through. Again, the police defenders paint a three-dimensional picture of the officers, in contrast to the one-dimensional ‘50 shots’ label that merely focused on the culpability of the officers and the magnitude of their wrongdoing. Within this three-dimensional picture, conversely, the police defenders focus on the innocence and inadvertent conduct of the officers. By providing such an in-depth characterization of the officers, they are ‘humanized’, similar to the way Sean Bell was humanized by the police critics. The usage of personal and intimate vocabulary (‘these guys’, ‘Jesse’) reflects this personalization and familiarization.

Linked to this display of feelings and the personalization conveyed by police defenders is a sense of victimization ascribed to the implicated officers, and in a broader sense, to the group of police defenders as a whole. This perceived victimization surfaces in the negative emotions felt by the officers (‘crushed’, ‘tore emotionally’), but also in the way the implicated officers are presented as ‘helpless’ and ‘an underdog’. Mr. Culleton’s remark that he has an ‘overriding responsibility to represent Jesse’ for that matter resembles Mr. Sharpton’s previously discussed quote:

“I’m going to help these two women **fight for that little boy**. That **little boy** didn’t deserve to die, and this city is going to deal with the blood of Sean Bell.”<sup>36</sup>

The use of ‘Jesse’ and ‘that little boy’ underline the ‘underdog’ position of Detective Isnora/Sean Bell, while the words ‘help’ and ‘overriding responsibility’ underline their helpless position. So, police defenders’ discourse evokes images of victimization, in the same way as the label ‘Sean Bell’ does.

From a strategic judicial perspective, this focus on the emotions felt by the officers and the sense of victimization again fits in the lawyers’ strategy to show the officers’ version of the events, while stressing their innocence. From a strategic PR perspective, this focus is again a strategy to emphasize the personality and human side of the officers, showing their goodness and sincerity. Similarly, from a spontaneous perspective, the police defenders perceive the police officers as complex characters much more than the police critics do. They perceive the officers’ character as good and pure, while seeing the officers as victims of the situation.

Not only the officers' feelings are acknowledged, but also, to lesser extent, also those of the victims and their relatives ('They [Sean Bell's family] are suffering, and I am very conscious of that'). In other words, the police defenders perceive the incident in its totality as emotionally charged, as a result of which the suffering of the officers does not differ much from the suffering of the family. This, again, relates to the label 'A tragic set of events'.

The characterization of the officers involves more than just the focus on their emotions, or the need to convey these emotions. More specifically, the pure and sincere emotions felt by the officers fit within the perceived overall pure and sincere characters of the officers. The following statements about the officers involved in the shooting demonstrate this:

### *Just after the shooting (November 2006)*

A *New York Times* excerpt on Michael Carey:

The lowest-ranking member of the team was Officer Michael Carey, 26, with four and a half years in the department, **a fast-rising officer with a dry sense of humor, according to those who worked with him at the Midtown South Precinct in Manhattan.** He began as a member of an impact team, a group of several officers assigned to an area experiencing a spike in crime.

A sergeant at Midtown South who knew Officer Carey personally and had supervised him there said: "Some people come out with a drive, and some people are lazy kids. **He was a good learner.** He **excelled** more than some other cops."

Officer Carey had made more than 50 arrests during his first year in Operation Impact, breaking up drug and prostitution scams in Hell's Kitchen, the sergeant said. "**You got to be street smart. You got to be aware. He proved himself.**"

When it came time to **move up**, Officer Carey was promoted directly to the precinct's Street Narcotics Enforcement Unit, which the sergeant said "**was showing a lot of confidence in him.**"

"Usually you get patrol. They sent him right to S.N.E.U., because **he was so good,**" the sergeant said. "They **saw his drive.**"

Two months ago, the sergeant said, Officer Carey was transferred to the vice squad in Queens.

The sergeant described Officer Carey **as quiet, with a dry wit.** "**He's not the type to run off his mouth,**" the sergeant said.<sup>37</sup>

### *During the grand jury process (March 2007)*

Mr. Palladino on Michael Oliver's grand jury testimony:

"This detective has been **characterized as a cowboy, and that's not true and it is unfair,**" said Mr. Palladino, who said that Detective Oliver, like his colleagues, was testifying without immunity. "**This detective is an impeccable officer, has an unblemished record.**"<sup>38</sup>

Mr. Palladino on testimony officers:

“I hope the grand jurors **see these officers for who and what they are** [...] All of the officers involved are **sincere, humble individuals** and the actions that they took that night were during the performance of their duty and they were acting **in good faith**.”

[...] “There was **no criminality in their hearts, nor in their minds, when they took the actions they took**.”<sup>39</sup>

#### *Just after the indictments (March 2007)*

A *New York Times* excerpt:

Stephen C. Worth, a lawyer for Officer Michael Carey, described the moment he learned his client had not been indicted:

Mr. Worth said he got a call from Charles Testagrossa, the prosecutor who presented evidence to the grand jury, who “told me there was no true bill as to **my guy**.”

“Obviously,” he said, “we are gratified by the grand jury’s decision as to **Mike**, and I have always believed that he **acted professionally** on the night of **this incident**.”<sup>40</sup>

An excerpt from the Op-Ed by Mr. Leuci, referring to Detective Isnora:

One of these officers now indicted had never fired his gun before, despite having made more than 600 arrests. This is **no fool, no trigger-happy John Wayne type; this is a good cop**.<sup>41</sup>

#### *At the beginning of the trial (February 2008)*

A *New York Times* excerpt on the opening statements of Mr. Ricco:

Mr. Ricco’s opening statements were less clinical and more **emotional**, referring to Detective Isnora by his nickname, **Jesse**, and describing him as **the quiet, religious son of immigrants**.

“**Jesse** was a person of color **who answered the call of the community**,” he said.<sup>42</sup>

An anonymous official briefed on the case:

On cross-examination, the defense lawyers are expected to point out that the lieutenant was in charge throughout the night. “Showing each individual defendant was doing what they were doing **because they were told to do so by a superior officer**,” the person briefed on the case said. “**These guys weren’t cowboys**.”<sup>43</sup>

#### *At the end of the trial (April 2008)*

A *New York Times* excerpt on Mr. Ricco’s closing arguments:

He called his client a “**hero**” **who showed restraint in waiting to fire, and asked him to stand**. “**That is Detective Gescard Isnora**,” he said. “**He’s a decent, dignified, graceful young man and he did his job as best he could**.”<sup>44</sup>

#### *After the acquittals (April–May 2008)*

Excerpt from a *New York Times* article on the future of the implicated officers:

Detective Isnora, 29, who is of Haitian and Mexican descent, was born in Brooklyn and lives in Bushwick with his mother. As a youngster he was a solid student, Mr. Karasyk said, attending the High School for Mathematics, Science and Engineering at City College and

working as a lifeguard for the city. Mr. Karasyk said the Isnora family **had been very proud when he became a police officer.**<sup>45</sup>

*A New York Times* excerpt:

Howard Tanner, a lawyer for Lieutenant Napoli, said he **“has an excellent prior record.”**<sup>46</sup>

*A New York Times* excerpt on counseling after police shootings (October 2008):

Likewise, Detective Gescard F. Isnora, one of the detectives acquitted in the shooting, did not visit counselors, said his lawyer, Anthony L. Ricco. **“Jesse is a member of a very small but strong church,** and they surrounded him with love and encouragement in the case,” Mr. Ricco said.<sup>47</sup>

What catches the eye first in the statements above is how the police defenders in their characterization of the officers go to great lengths to emphasize the positive traits and achievements of these officers, even by making Detective Isnora ‘stand up’ so that everyone can see that ‘that is Detective Gescard Isnora’.

Police defenders convey these positive traits and achievements in a manner similar to those perceptions previously discussed, again focusing on the inner lives of the officers involved. Mr. Palladino literally says about the detectives that ‘there was no criminality in their hearts, nor in their minds’. Also, the police defenders again emphasize the human side of the officers involved by using personal and intimate vocabulary, such as ‘Jesse’, ‘Mike ‘this guy’, and ‘my guy’.

This positive and personal characterization is a direct response to the allegations made by the police critics as well as to their detached rhetoric. Therefore, these quotes not only give insight into the police defenders’ own perceptions, but also into their positioning in the Sean Bell debate, as will be discussed in Section 3.3. In relation to these perceptions, both the personalized and intimate vocabulary used to convey the messages and the broad characterizations themselves oppose the impersonal label ‘50 shots’, through which the story of the officer is merely portrayed by the number of shots fired. Moreover, the statements dismiss other elements of the ‘50 shots’ label, such as injustice, guilt and violence. The police defenders reiterate that the police officers were ‘not cowboys’, or a ‘trigger-happy John Wayne type’ which is a direct reaction to the ‘Wild, Wild West’ lawlessness perceived by the police critics. For example, in turn, the sergeant says that Officer Carey ‘is not the type to run off his mouth’, indirectly associating the perception that Mr. Carey thinks before he speaks with the assumption that he must think before he acts as well.

Yet the personalization goes much further than merely describing how the officers are innocent. The humanization of the officers for that matter resembles the way Sean Bell was personalized into a ‘good kid’ through the core label ‘Sean Bell’. Instead of ‘a good kid’, the detectives conversely are portrayed as ‘good cops’, who are endowed with many great traits and talents. Mr. Leuci literally says ‘this is a good cop’, still referring to Detective Isnora’s professional qualities, and the sergeant similarly describes Officer Carey as ‘he was so good’. In turn, other

statements more indirectly refer to ‘goodness’ in a much broader sense of the word. To start with, all officers are perceived as ‘sincere, humble individuals’. ‘Jesse’, for instance, is both a ‘hero’ and a ‘decent, dignified, graceful young man and he did his job as best he could’ and moreover, goes to a ‘very small but very strong church’, while ‘Mike’ ‘acted professionally’, and was ‘a fast-rising officer with a dry sense of humor’, Lieutenant Napoli, ‘has an excellent prior record’ and Detective Oliver is ‘an impeccable officer, [and] has an unblemished record’. These statements not only characterize the officers by focusing on their close relationship (‘Mike’), they also assign values to the officers, such as heroism, grace, professionalism, innocence, and purity. These values show resemblances with the values assigned to the core label Sean Bell — ‘sacrifice’, ‘sustained devotion, marriage and fatherhood’, ‘responsibility’, ‘a sports figure’ and again ‘innocence’ — in that everybody can relate to them, as they are part of a broader set of American values and body of thought. The consequences are similar: the cops become emotionally charged symbols, linked to negative emotions such as suffering and victimization, but also to positive emotions emanating from these themes. In addition, the cops become a symbol the police defenders can relate to. They are not only presented as likable; they represent values that most people share, especially the police themselves. Thus, with these statements, the police defenders create an intimate ‘like knows like’ group feeling akin to the feelings held and perpetuated by the police critics. In this sense, the detectives become a symbol just as Sean Bell does, for heroism, grace, professionalism, innocence, and purity, which in fact applies/is relatable to all of the officers and detectives in the force. The following quotes give more insight into this notion:

#### *Just after the indictments (March 2007)*

A *New York Times* excerpt on the reactions of police officers after the indictments:

A sergeant in Brooklyn with a decade in uniform waved off talk of fear: He is annoyed. For a grand jury to indict the three detectives in the shooting of Sean Bell just two days after two auxiliary officers were killed? That is a **bitter draught to swallow**.<sup>48</sup>

A *New York Times* excerpt on Mr. Karasyk’s response to the indictments:

The wait was a somber one, said Philip E. Karasyk, who represents Detective Isnora. “There is **nothing more heart-wrenching** than to see a police officer put through the system, especially one **who didn’t do anything wrong**,” Mr. Karasyk said.<sup>49</sup>

#### *Just after the acquittals (April 2008)*

Mr. Palladino:

“**We** have been **portrayed** as **insensitive murderers**. [...] And I can tell you **that we are not**.”<sup>50</sup>

These quotes show how the implicated officers not only evoke feelings of compassion (similar to ‘We love Sean Bell’), but that they have also become a symbol through which other police officers identify themselves (similar to ‘I am Sean Bell’). For example, the strong focus on ‘we’ in Mr. Palladino’s

remark that ‘We have been portrayed as insensitive murderers [...] and I can tell you that we are not’ shows that he perceives the allegations towards the detectives as a personal attack. Similarly, the Brooklyn Sergeant says that the indictments ‘are a bitter draught to swallow’, indicating that the suffering felt by the indicted detectives is extended to other officers too. Mr. Karasyk, in turn, shows how his feelings do not differ much from the earlier-described feelings of the officer. All three remarks therefore display a high degree of symbol identification, group identification and empathy, similar to the labels ‘I am Sean Bell’ and ‘We love Sean Bell’.

### **Summary**

This subsection has demonstrated how police defenders humanize the implicated officers in various ways. They do so by stressing the need to convey the inner lives of the officers, by portraying this inner life — filled with ‘pure and sincere’ emotions of remorse and hurt — as a ‘hell’, and by characterizing them as overall pure and sincere individuals, while ascribing positive and widely supported values to them such as heroism, grace, professionalism, innocence, and purity, thus portraying them as ‘good cops’. These rhetorical strategies are imbued with vocabulary that stresses a personal connection between the police defender and his object of defense, as well as with highly emotional and emphatic rhetoric, exacerbating the officers’ suffering. The combination of these methods not only results in the humanization of the officers into three-dimensional ‘universally likable’ characters, but also in an annulment or perceived annulment of culpability, in an increase of felt victimization, and in an overall ‘symbol-making’ process by which the police defenders (specifically police officers) identify themselves and show empathy with the implicated officers, thus stimulating the intimate ‘like knows like’ group feeling, while further exacerbating the gap between a personalized ‘us’ and an depersonalized ‘them’. The statement ‘Every day is hell for these guys’ in fact captures and succinctly describes most of the perceptions discussed in this section, as it shows the magnitude (‘every day’) of suffering and victimization (‘hell’), the personalization of and personal/group identification with the officers (‘these guys’) and the association with ‘goodness’ of overall character and felt emotions (‘these guys’ and its implicit reference to ‘good guys’).

#### **3.1.5 Fellows versus characters: Value-based ‘us’ and ‘them’ labels**

So far, the analysis has shown how police defenders convey different perceptions of ‘us’ and ‘them’. The polar nature of these different perceptions becomes manifest in the interview held with Mr. Palladino:

##### ***Personal interview held with Michael Palladino (October 2009)***

Mr. Palladino:

This [perceived misinformation conveyed by police critics] is what is sad because this is the misinformation that is being disseminated and is being leaked out to the public, who one day

may sit on that grand jury or a regular jury when **these fellows** have their case decided by a group of their peers.

[...] I made sure that the public knew that the DEA, the union, was here to support and represent these **fellows** and it is important for the union to do that, not only for the **fellows** that are involved in the case, that particular case, but what about the other detectives, I have 5,500 detectives, what about the other 5,500, you know who are out there risking their lives.

[...] What happens then is, the public starts to get their feathers ruffled, then they start to call on reputable groups like the ACLU, Civil liberties, you know and other groups, you know, to raise an eyebrow and say hey there is a reason for concern here, according to **Reverend Al**, and according to this other **character** in City Hall, **what is his name, Barron**.

[...] I sat for every moment of that trial and one by one **these characters** — Sean Bell's friends, the other guys who were involved, they came one by one, and they lied on the witness stand in the court of law, and they got caught in their **lies**, they made misstatements, there was conflict between the witnesses themselves, because they **concocted different stories**.<sup>51</sup>

What is interesting in this interview is that the union leader refers to the detectives as 'these fellows', but to the police critics Charles Barron and Al Sharpton, and also to the witnesses who testified for Sean Bell, as 'these character(s)'. While 'these fellows' is much in line with 'these guys', thus further personalizing the detectives, 'these characters' not only depersonalizes but also patronizes them and questions the credibility of the police critics. This depersonalization also becomes apparent when Mr. Palladino can't come up immediately with the name of Charles Barron ('what is his name, Barron'). The patronizing, in turn, becomes apparent in the belittling reference to 'Reverend Al', while he questions the credibility of the witnesses by associating 'characters' to lying ('lies', 'concocted different stories').

In short, the labels 'fellows' and 'characters' stand, respectively, for a personalized, friendly 'us' and a depersonalized, unreliable 'them'. These different labels are products of the 'us-versus-them' reality and positioning discussed in Subsection 3.3.2. The labels also give insight into the union leader's communication strategies, as further discussed in Subsection 3.3.4.

### 3.1.6 Conclusion

This section provided insight into the perceptions held by police defenders and the way such perceptions occur in their discourse. To start with the latter, this section elucidated how the perceptions held by police defenders are not conveyed in as clear-cut a manner as those expressed by police critics. While Mr. Sharpton conveyed and reiterated easy-to-digest messages by making use of 'passionate and rousing oratory' in order to galvanize support, the police defenders do not reiterate the same phrases over and over again. Therefore, none of the police defenders take the specific role in the debate as that taken by Mr. Sharpton, or other community leaders, who acted as a gauge reading perceptions of the community, as a funnel channeling these perceptions, and as a catalyst magnifying and reiterating such perceptions. Instead, the perceptions held by police defenders are intricately

interwoven into the discourse and are used randomly, often outwardly conflicting with other statements made by this group.

The chosen labels, for that matter, are not reiterated during protest marches or at other events like the labels ‘50 shots’ and ‘I am Sean Bell’, but rather capture, symbolize and succinctly describe a set of scattered and evasive perceptions intricately interwoven into the police defenders’ communication. In other words, the police defenders might not literally reiterate the labels word by word (like ‘50 shots’), but they do subtly reiterate their held perceptions throughout the aftermath of the shooting.

The cues for these labels — as well as some of the interactions between them — can be found in the implicated officers’ concentrated courtroom testimonies, which shows their reality, felt emotions, and the notion of culpability as ‘A matter of seconds’, capturing the perceptions of the imminent danger of the events leading up to the shooting, the fear felt by the officers, and the perceived necessity to respond. Conversely, the label does not provide much information about the totality of the shooting, the culpability question, or of the victims involved, describing them as simply ‘a matter’.

Separate from the courtroom testimonies, a large amount of entwining, sometimes conflicting perceptions occur, again captured by the label ‘A matter of seconds’, and now also by ‘A tragic set of events’ and ‘Every day is hell for these guys’. Together, these labels capture perceptions concerning the chaotic and unruly reality in which the implicated officers acted but are not responsible for, the evasiveness of the blame-factor and the perception of the totality of the shooting in retrospect, and the humanization, personalization and victimization of the implicated officers, as well as the personal/group police defender identification with ‘these guys’.

These three labels furthermore expose the apparent conflicting nature of the perceptions. While ‘A tragic set of events’ ascribes ‘the tragedy’ to all involved in the shooting, the true personalization, humanization and victimization occurs within the label ‘Every day is hell for these guys’, which only encompasses the implicated officers. This premise is supported by conflicting vocabulary: discourse that is related to ‘A tragic set of events’ contains more personal and emotionally charged perceptions of the victims and the shooting, while discourse referring to ‘A matter of seconds’ and to a lesser extent ‘Every day is hell for these guys’ refers to the victims and the shooting in an indistinctive and unemotional way, somewhat resembling the NYPD’s perception of ‘This event’. Of course, the label ‘A tragic set of events’ is intended to describe the totality of the event in retrospect, while the other labels are used to depict the perceptions of the officers, and a difference in depiction can thus be expected. However, the inconsistency in rhetoric does stand out. An explanation for this apparent inconsistency could be that the police defenders use evasive and neutral vocabulary when culpability is concerned, while they use personal vocabulary to underline the universality of victimization. Both strategies — which can be seen as spontaneous or strategic — result in the same



outcome: a perceived decrease in culpability. The dual-layered character of the label ‘A tragic set of events’ captures this apparent paradox and underlying outcome, as it combines emotionally charged and descriptive perceptions of the universally felt victimization with detached and indistinctive perceptions in regard to the magnitude of the shooting and the role of the officers. Moreover, the personalization of the victims within this label (in sentences such as ‘a horrible tragedy for all involved, especially Sean Bell and his family’) is less profound than the consequently conveyed humanization of the implicated officers (‘there is nothing more heart-wrenching than to see a police officer put through the system’). Put differently: ‘nothing more’ clearly wins from ‘especially’. Thus, while some of the perceptions conveyed by police defenders appear to be coalition-oriented, the intricate set of perceptions conveyed in their discourse stimulates a (perceived) annulment of culpability, an increase of victimization, and in an overall ‘symbol-making’ process by which they identify themselves and show empathy with the officers, thus stimulating the intimate ‘like knows like’ group feeling, while further exacerbating the gap between a personalized, humanized and victimized three-dimensional ‘us’ and a depersonalized one-dimensional ‘them’. This, of course, impacts on the overall positioning of the police defenders, as will be discussed in Section 3.3.

## 3.2 Framings

Before discussing the way the police defenders interpret the shooting and its aftermath, it is useful to look at the specific nature of these framings and at how they manifest themselves in police defenders' discourse.

First, the nature of the police defenders' framings on the shooting and its aftermath shows resemblances with that of previously discussed stakeholders, in that the interpretative framings and perceptions display a certain degree of overlap, and that the framings in a way are a deeper layer of interpretation and perception. The perceptions discussed in the previous section for that matter show cues for the ways the police defenders interpret the shooting and its aftermath, as the following analysis will further reveal.

Second, the manifestation of these interpretations differs from the way the perceptions occur in the police defenders' discourse. Unlike the entwined, intricate and almost inseparable web of perceptions held and conveyed by police defenders, the framings constructed by this group can more easily be disentangled in interpretations of the shooting on the one hand and interpretations of the process that occurred in the aftermath of the shooting on the other hand. The analysis will hence be divided into the interpretations concerning the shooting in Subsection 3.2.1, and the interpretations concerning the aftermath in Subsection 3.2.2.

Although the interpretations can more easily be disentangled and thus are more clearly visible in the corpus, the police defenders are still not as outspoken as the police critics in conveying their interpretations. Again, a reason for this is that the police defenders are barely active in the arena of 'protest marches' or other public events. Instead, interpretations are more intricately interwoven into courtroom discourse, opinion letters, and interviews with the press. In order to show the deeper meaning of the interpretative framing constructed by police defenders, this section will also look at how the police defenders respond to the broader framing of unlawful police shootings, police misconduct, racial profiling and racial injustice held by police critics — and how police defenders define and incorporate the notions specific to these framings in their discourse (similar to the discussion of perceptions and framings held by the NYPD, discussed in Part II, Chapter 2).

### 3.2.1 Framing the shooting: 'You have to be in the officer's shoes'

How do the police defenders interpret the shooting? The perceptions depicted in Subsection 3.1.1 — strongly focusing on the inner lives of the implicated officers and not on the victims — already revealed aspects of the broader framing through which the police defenders interpret the shooting. It is for that matter relevant to take a second look at the courtroom testimony. Take for example the following excerpts from Michael Oliver's testimony:

### *During the trial (March 2008)*

A *New York Times* excerpt on Detective Oliver's testimony:

"I looked at my gun," said the detective, Michael Oliver. "I didn't know if it had any bullets or something was wrong. I was standing right in front of him. I see him lifting his arms. I didn't want to die. I reloaded the gun, and I continued to fire, and the shots still are going on around me. I don't know where they are coming from, and all this is happening in a matter of a couple of seconds, which it seemed."

[...] When a prosecutor asked if it would have been wiser to seek cover, Detective Oliver replied, "Yes, it would have been the wiser course, but **I put myself in harm's way** to protect members of my team."

[...] "**Unfortunately as a result, sometimes people die and it was the last thing in the world I ever wanted to do, was to kill someone or to hurt someone in their family,**" he said. "**I have to live with that also for the rest of my life.**"

[...] "The car just came at me and hit my van head-on, it smashed into us head-on," he said. "**I was in shock at that point.**" The Altima then reversed, and Detective Isnora leapt from its path, before the Altima raced forward again, he said.

"I saw Detective Isnora with his arms out, and his gun in his hands, yelling, 'He's got a gun, he's got a gun,'" Detective Oliver said. The Altima struck the van again, and Detective Oliver put it in park and stepped out, he said. He saw the passenger window of the Altima blow out.

"**I yelled, 'Police, don't move!'**" he said. "I still see a passenger appearing to be raising a gun. So I started firing my weapon." He said he never saw the driver, although at least three of the four rounds that struck Mr. Bell were later found to have come from his gun. He focused on Mr. Guzman, who had 19 bullet wounds, including exit wounds, prosecutors have said.

"**I was not about to let him get that arm up. I thought if he got that arm up, then he was going to kill me,**" Detective Oliver said.<sup>52</sup>

In the statements above, Detective Oliver not only conveys the perception that the shooting is 'A matter of seconds' — as discussed in Subsection 3.1.2 — he also provides insight into how he interprets the shooting. His account displays a self-centered perspective, dominated by his own experiences, feelings and concerns. To a degree, this self-centered interpretative framing is not extraordinary, as Mr. Oliver's testimony serves as a justification for his actions. However, the framing that occurs in his testimony can provide important cues for the framing constructed by the group of police defenders in its totality and therefore deserves a closer look.

Mr. Oliver's self-centered framing of the shooting becomes clear in his remarks that 'it was the last thing in the world I ever wanted to do' and 'I have to live with that also for the rest of my life'. These comments demonstrate how the detective interprets the shooting by looking at his personal experience of the incident, his current suffering and his future concerns. Moreover, his remark 'Unfortunately as a result, sometimes people die' shows how he does not incorporate the experiences, concerns and feelings of police critics in his interpretation of the shooting. His observation for that matter not only reveals the self-centered interpretative framing he has constructed, but also the rigid delimitation of that framing, and the extent to which the detective seeks common ground. On a

rhetorical level, the strong focus on the first person singular, and the use of nondescript vocabulary to convey the shooting itself and the victims involved, are signs of the self-centered interpretative framing.

Mr. Oliver's statements also give some insight into the historical and organic dimensions of his framing. As discussed in Subsection 3.1.2, the detective in his testimony tries to shift the focus from the number of shots to the scarce amount of seconds in which the events took place and the danger he was facing. While he *perceives* the situation as dangerous and chaotic, on a deeper level the discourse suggests that he interprets the shooting as part of a broader interaction process that entails danger and chaos. This deeper layer and its historical and organic interpretative elements are hard to expose and validate in this specific text. More specifically, in the testimony above there is not one single statement that by itself pinpoints this deeper layer. Rather, it is the combination of sentences such as 'I was not about to let him get that arm up. I thought if he got that arm up, then he was going to kill me' and 'unfortunately as a result, sometimes people die' that exude a sense of reverberation, as if it is not the first time the officer has been in such a situation and as if the discourse referring to unruliness and chaos is part of his everyday life.

Because of the evasiveness of this specific layer in Mr. Oliver's courtroom testimony, it is necessary to look at other statements in order to validate the claims made. The courtroom testimonies of Lt. Napoli and Detective Isnora, for instance, show a similar self-centered perspective:

#### ***During the trial (February–March 2008)***

A *New York Times* excerpt on Lt. Napoli's testimony:

Asked by prosecutors what went through his mind, Lieutenant Napoli said, **"Just to see that, thank God, none of us were hurt and we were going home."**

[...] As he got closer to the car, Lieutenant Napoli told Detective Michael Oliver to call an ambulance. Lieutenant Napoli said he could not remember if any of his detectives were wearing their badges.

"It was surreal; **we were all in a state of shock,**" he said. **"We were OK. We didn't really discuss anything more."**<sup>53</sup>

A *New York Times* excerpt on Detective Isnora's testimony:

"Before I finish, I want to explain to you that in my time as an undercover, I had many **dangerous situations where I have been robbed,**" he said. **"I never fired my weapon before.** I never had any intentions in my career, actually, of even thinking of doing that."

**"I thought I had no choice that night,"** he said.<sup>54</sup>

The testimonies from Detective Isnora and Lt. Napoli not only reflect the previously discussed perceptions held by the lieutenant and the detective concerning the shooting, they also show how these perceptions are part of a self-centered framing in which events are interpreted as part of an organic and

historical ‘us’ reality dominated by the concerns, feelings, thoughts and previous experiences of the implicated officers.

Lt. Napoli’s testimony, for instance, demonstrates how the lieutenant interprets the shooting by taking into account his personal/police dominated concerns (‘thank God, none of us were hurt and we were going home’ and ‘We were OK’) as well as personal emotions (‘It was surreal; we were all in a state of shock’). In a broader sense, the self-centered interpretative framing comes to light with his strong rhetorical focus on the ‘us’ group (‘we’), while the ‘them’ group is not part of his mental picture. The statements ‘We didn’t really discuss anything more’ and ‘Just to see that’ for that matter exclude any thoughts about others involved in the shooting.

The self-centered interpretative framing is also dominant in Detective Isnora’s testimony. By referring to previous personal experiences (‘I had many dangerous situations where I have been robbed’ and ‘I never fired my weapon before’) as well as to the thoughts he had in the past and on the night of the shooting (‘I never had any intentions in my career, actually, of even thinking of doing that’ and ‘I thought I had no choice that night’), the historical and organic dimensions of this self-centered interpretative framing also come to light in his statement. More specifically, these sentences show how the detective interprets the shooting from a historical and organic interaction process that entails danger and chaos (‘dangerous situations’, ‘robbed’), but in which the officer shows restraint and astute assessment of such situations (‘never fired my weapon’).

As pointed out, the self-centered perspective that occurs in courtroom testimony is — to a certain degree — not extraordinary, as the testimonies serve as a justification for the officers’ actions. To analyze the self-centered framing and its deeper historical and organic dimensions further, it is therefore necessary to look beyond these testimonies and examine other statements conveyed by police defenders, relating to this self-centered framing.

These statements show a similar self-centered framing of the shooting, and moreover give additional insight into its dimensions, as the following quotes further demonstrate:

#### ***Just after the shooting (November 2006)***

A *New York Times* excerpt on Michael Carey:

Officer Carey had made more than 50 arrests during his first year in Operation Impact, breaking up drug and prostitution scams in Hell’s Kitchen, the sergeant [at Midtown South who knew Officer Carey personally] said. **“You got to be street smart. You got to be aware. He proved himself.”**<sup>55</sup>

#### ***During the grand jury process (March 2007)***

Mr. Lynch:

“We’re pleased that today has come where we have the opportunity for this police officer to go out and tell his side of the story: the thoughts he had at the time, **the facts that he dealt with out in the street that night.**”<sup>56</sup>

### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on the opinion of random officers on the indictments:

Lt. Michael Casey, 40, who works alongside Officer Flores in the Sixth Precinct, agreed that the salary was not so hot. But he shrugged off suggestions that the events of the past two weeks, not least the indictments in Queens, might inhibit officers.

**“When you’re chasing after a guy with a gun, I guarantee you’re not thinking of a legal case in Queens,”** Lieutenant Casey said. **“You’re not thinking of anything until it’s over and you exhale.”**<sup>57</sup>

An anonymous officer:

**“When you engage in an argument with a perp or whatever, you have to be in the officer’s shoes,”** explained a young officer with three months on the beat in East Harlem. **“When you’re shooting, you don’t realize** how many times you shoot. It goes so fast, you don’t realize.”<sup>58</sup>

An excerpt from the Op-Ed article by Mr. Leuci:

As for those three men, they can take solace from an ancient cop saying: **“I’ll always rather be judged by 12 of my fellow citizens than carried by six of my brother officers.”**<sup>59</sup>

### ***In between the indictments and the trial***

Mr. Culleton quoted in an interview with the *New York Times*:

**“This was a tragedy, a tragic mistake was made, but there was no crime committed. [...] What you had in Diallo and in this case is a shooting where the officers believed deadly physical force was being, or was about to be, used against them.”**<sup>60</sup>

### ***At the beginning of the trial (February 2008)***

An excerpt from a *New York Times* article on the people who were at the court house:

Steven McDonald, a former New York City police officer who was paralyzed from the neck down in 1986 when a 15-year-old boy, Shavod Jones, shot him three times, showed up in his motorized wheelchair. He said he planned to attend the trial as often as possible.”

**“It’s a dangerous job,”** he said. **“Nobody knows that better than I do.** I want those men to be cleared of all these charges and return to their lives and live them out in peace.”<sup>61</sup>

### ***At the end of the trial (April 2008)***

A *New York Times* excerpt on Paul P. Martin’s closing arguments:

Paul P. Martin, who represents Detective Cooper, said the detective was justified in firing four shots at Mr. Bell’s car because **he thought he himself was under fire**, even though he did not see anyone shooting and he described his position in grand jury testimony as unbalanced.<sup>62</sup>

### ***Just after the acquittals (April 2008)***

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

It was 1986, and my partner and I had responded to a report of a man waving a knife inside the Port Authority Bus Terminal. When we arrived, I saw the knife in the man's outstretched arm. I drew my weapon, and I yelled at him to drop the knife. My partner began inching his way toward the man, pleading with him to put the knife down. I made up my mind that I was going to shoot if the man lunged toward us. My partner got close enough to swing his nightstick down on the man's arm. The knife fell to the ground and we quickly handcuffed him.

Why wasn't I scared? Because I could see the threat clearly; I knew what I was facing. There were plenty of other times during my 20-year police career, however, when I was afraid. Usually it was when I couldn't clearly see a potential suspect and didn't know if he had a weapon. **For a police officer, if a suspect is ignoring your commands and you can't see his hands, you will feel that your life is in danger.**

[...] At the time of the Diallo shooting, I was an instructor in the Police Department's in-service training unit. I trained more than 1,000 supervisors, using seminars and role-playing exercises in various subjects including deadly physical force. **Trust me: training can instill good habits and safe tactics, but you can't control the level of fear, or the individual choice that a person makes about when to pull that trigger.** In that position, an officer has seconds to make a life-altering decision: Is my life in imminent danger? How to answer that question can't be taught in a classroom.<sup>63</sup>

*Personal interview held with Michael Palladino (October 2009)*

Mr. Palladino:

I made sure that the public knew that the DEA, the union, was here to support and represent these fellows, and it is important for the union to do that, not only for the fellows that are involved in the case, that particular case, but what about the other detectives, I have 5,500 detectives, what about the other 5,500, you know who are out there **risking their lives.**

[...] There is [are] 5,500 other people [detectives] who are **out there every day risking their lives** and any **moment of hesitation could cost them their lives**, you know.<sup>64</sup>

The quotes above show how police defenders — ranging from the lawyers to more 'distant' supporters such as the anonymous officer — interpret the shooting from a police/self-centered framing delineated by police experiences, feelings, thoughts and concerns. Such self-centeredness clearly comes to light in the quote of the young anonymous officer, 'you have to be in the officer's shoes', in Mr. McDonald's remark 'Nobody knows that better than I do', but also in the personal perspective of Mr. Murphy's Op-Ed. In addition, it is also interwoven into the fabric of the remaining discourse. The lawyers focus on the experiences of the officers ('he thought he himself was under fire' and 'the officers believed deadly physical force was being, or was about to be used, against them') is an example of this. Mr. Palladino did so too in the interview held with him ('risking their lives', 'cost them their lives').

The self-centered perspective again excludes other interpretative vantage points. As Lieutenant Casey says: 'You're not thinking of anything until it's over and you exhale'. In fact, Mr. Casey is saying that it is the nature of the job — and specifically the adrenalin — that instigates the self-centered framing of the shooting.

Mr. Casey's remark for that matter also gives further insight into what the notion of 'in the officer's shoes' entails. More specifically, his display of 'adrenalin' shows how he interprets the shooting again as part of a broader interaction process that entails danger and chaos. His use of emphatic vocabulary such as 'exhale', together with the anonymous officer's emphatic reiteration of words (twice 'realize'), reinforce this notion. The accounts of Messrs. McDonald, Murphy and Palladino similarly describe this broader interaction process that entails danger and chaos ('It's a dangerous job' and 'your life is in danger', 'any moment of hesitation could cost them their lives').

This broader interaction process also comes to light in other statements listed above and in other text fragments, for instance in the use of the expressions 'in the street', 'street smart' and 'out there', which again exude a sense of reverberation. It is interesting to look at these sentences in the light of the previously discussed definition of Mr. Allen concerning 'the streets' (Part II, Chapter 2, Subsection 2.2.1). For instance, Mr. Lynch's use of the colloquialism 'in the street' refers to the dangerous and 'bad' things that can happen in a city, not just on the night of the shooting, but rather continuously. By referring to an 'ancient cop saying' Mr. Leuci similarly suggests that the fears for the 'dangers in the street' are held not just by him but by other police officers, and have been held for a prolonged period in time.

Within the light of this historical dimension, the position of the police is interpreted as very vulnerable. Phrased differently, the statements above subtly convey the interpretation held by police defenders that the police are potential victims of the dangers that occur 'in the street', and an officer has to be 'street smart' in order to deal with these dangers. Conversely, those persons that represent these dangers in the street are interpreted rather derogatorily and one-dimensionally as 'a perp or whatever' and 'a guy with a gun'. Mr. Culleton's remark is also interesting, as he links the historically perceived danger to the historical pattern of innocence, as the officers in the Diallo case were acquitted.

So far, the analysis has shown that the police interpret the shooting from a self-centered perspective delineated by the emotions, needs, thoughts, concerns and previous experiences of the officers and framed within a historical and organic interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction.

This deeper meaning of the police defenders' self-centered framing is less defined and articulated as the frequently expressed and profoundly conveyed broader framing held by police critics of unlawful police shootings, police misconduct, racial profiling and racial injustice. Instead, this deeper meaning is only referred to in a subtle and intricate way, which can be exposed better by looking at the vocabulary and rhetoric used rather than at the overall messages conveyed. It is therefore useful to examine how the police defenders react to the broader framing of unlawful police



shootings, police misconduct, racial profiling and racial injustice held by police critics — and how police defenders classify and integrate the notions specific to these framings in their communication.

In fact, the self-centered ‘police-oriented’ framing constructed by police defenders is in many ways the antithesis of the broader framing of unlawful police shootings, police misconduct, racial profiling and racial injustice in the broadest sense of the word. The reason for this can be found in the way the police defenders define key concepts inherent in this framing.

To start with the first component of the police critics’ framing, the following quotes show how police defenders do not see the Sean Bell shooting as part of a broader pattern of ‘unlawful police shootings and police misconduct’ as they maintain different definitions of police misconduct and lawlessness:

### ***Before the indictments (March 2007)***

Mr. Culleton:

“The officers **react to the situation** that is in front of them and **if deadly physical force is being used** or about to be used **they can use deadly physical force in return** — to prevent it from being used against them.”<sup>65</sup>

### ***In between indictments and the trial***

Mr. Culleton quoted in an interview with the *New York Times*:

“If an officer **believes deadly force is being used**, he is **justified in using deadly force in return**. It doesn’t matter how many times he shoots. He is **supposed** to shoot **until the threat is eliminated**.”<sup>66</sup>

### ***During the trial (February–March 2008)***

A *New York Times* excerpt on Detective Oliver’s testimony:

**Unfortunately as a result, sometimes people die** and it was the last thing in the world I ever wanted to do, was to kill someone or to hurt someone in their family,” he said. “I have to live with that also for the rest of my life.”<sup>67</sup>

Mr. Culleton:

“As **he was trained to do**, Detective Oliver **took immediate action to protect the life** of Detective Isnora.”<sup>68</sup>

An anonymous official briefed on the case:

On cross-examination, the defense lawyers are expected to point out that the lieutenant was in charge throughout the night. “Showing each individual defendant was doing what they were doing **because they were told to do so by a superior officer**,” the person briefed on the case said. “**These guys weren’t cowboys**.”<sup>69</sup>

### ***At the end of the trial (April 2008)***

A *New York Times* excerpt on Mr. Martin’s closing arguments:

**“This isn’t TV and it isn’t ‘Miami Vice’ and they’re not taught to shoot guns out of people’s hands,” he said.<sup>70</sup>**

*After the acquittals (May 2008)*

Mr. Lynch on the news that the department filed charges against the detectives:

Patrick J. Lynch, president of the Patrolmen’s Benevolent Association, defended Officer Carey, saying the department would find that he **“acted fully within the scope of his duty and the guidelines of the department.”<sup>71</sup>**

The quotes above respond in different ways to the police critics’ interpretative framing that the shootings are part of a broader pattern of ‘unlawful police shootings and police misconduct’. First, Mr. Oliver’s remark, already briefly discussed previously, curtails the magnitude of such pattern by saying — in a trifling way — that ‘unfortunately as a result, sometimes people die’. The word ‘sometimes’ in this sense downplays the magnitude of the historical pattern of police shootings, while ‘people’ diminishes the magnitude and importance of the ‘organic’ consequences of these shootings.

The remainder of the quotes show how the police defenders maintain a different definition to that of the police critics concerning the notions of lawlessness and excessiveness, two core elements of the broader pattern of police shootings and police misconduct — and therefore do not place the Sean Bell shooting within this broader pattern. First, while the police critics see the *conduct of the officers* as an organic component of the often ‘lawless and excessive’ practices of the NYPD (such as the stop-and frisk procedures), the police defenders do not look at these other practices, but say that the conduct was not lawless, ‘because they were told to do so by a superior officer’ and the officers acted ‘as they were trained to do’. Second, while the police critics see the *large amount of shots fired* as part of a broad historical pattern of excessiveness and lawlessness (for instance by referring to Amadou Diallo and to other police shooting victims), the police defenders do not look at these other shootings, but say that the conduct was not excessive, because the officers ‘are not taught to shoot guns out of people’s hands.’ Third, while the police critics see the *outcome of the shooting* as excessive, because three unarmed people were shot, police defenders see it as an unfortunate yet unavoidable result of police work in reaction to ‘the situation that is in front of them’, in which for instance Officer Carey ‘acted fully within the scope of his duty and the guidelines of the department’ and in a broader sense the officers were ‘justified in using deadly force in return’.

This, in turn, shows how the police defenders interpret the conduct of the implicated officers as well as the shooting and its outcome from an organically and historically self-centered framing, in which the police defenders detach the shooting and the conduct of the implicated officers from other shootings or other misconduct, and moreover, interpret the shooting merely by applying ‘police protocol, training guidelines and superior orders’ as factors that determine whether the shooting was excessive and lawless and not the fact that three unarmed men were shot.

Interesting for that matter is an earlier-discussed quote made by Bishop Lester Williams:

“Those shootouts are like the Wild Wild West out there [...] That’s an execution — that’s like putting someone in front of a firing squad.”<sup>72</sup>

Thus, while the police defenders say ‘This isn’t TV and it isn’t “Miami Vice”, the police critics are saying that ‘it is Miami Vice’ (or at least: ‘Bonanza’), simply because both stakeholder groups interpret the concept of lawlessness and excessiveness in different ways.<sup>73</sup>

The police defenders’ statements furthermore show that the conduct of the officers is part of a pattern of proper training, strict guidelines, and strong leadership, while the shooting and its outcome fit within the earlier-discussed historical and organic interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction.

The notion of ‘racial profiling and racial injustice’ also differs within the framings constructed by police critics and police defenders. While police critics see the shooting as part of a broader pattern of violation of African-American rights, not only referring to police misconduct, but also to an overall pattern of abuse, the police defenders simply do not make or comprehend this connection. The reason for this can be found in the different interpretative framings of the concept of race, as the following excerpts from the *New York Times* demonstrate:

#### *During the grand jury process (January–March 2007)*

Mr. Palladino, on the disclosure of the officers’ photos:

**“The photos of the officers indicate** that racism had absolutely nothing to do with this shooting [...] **The photos** nullify the racism aspect of the shooting because **at least three of the five officers are people of color.**”<sup>74</sup>

Mr. Palladino on the suggestion of police critics that the shooting was racist:

Three of the officers **involved in the shooting are black and two are white.** Mr. Palladino seized on that fact to say, “It would be unfair to characterize the shooting, in any fashion, as racially motivated.”<sup>75</sup>

#### *After the indictments (March 2007)*

An excerpt from the Op-Ed article by Mr. Leuci:

It’s also worth noting that we are **hearing the usual cries of police racism, even though two of the indicted officers are black.**<sup>76</sup>

#### *After the acquittals (April 2008)*

A *New York Times* excerpt on how the aftermath of debate affected Detective Cooper:

Detective Cooper, 40, lives in Orange County with his wife and three children, said his lawyer, Paul P. Martin. Detective Cooper, who is black, was especially crushed **by allegations that racism prompted the shooting**, Mr. Martin said, **because he had mentored black**

**youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group.**<sup>77</sup>

The quotes above give insight into how police defenders interpret the notion of race in relation to the shooting. The police defenders do acknowledge the police critics' framing of racial profiling and racial injustice. However, they view the concept of race through a different light. More specifically, the racial framing applied by the police defenders involves 'the photos of the officers', and also their background (i.e. the fact that Mr. Cooper 'had mentored black youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group') because the photos of the officers and their background both indicate 'that racism had absolutely nothing to do with this shooting'. This approach is different from that of police defenders in three ways. First, while the police critics see the *implicated officers* as an organic component of a Caucasian-dominated NYPD and its often 'racist' practices, the police defenders look more narrowly at 'the photos of the officers', which indicate that 'at least three of the five officers are people of color'. Second, while the police critics see the *shooting* as part of a broad historical pattern of racial profiling and racial injustice instigated by the NYPD, the police defenders again look more narrowly at the photos and background of the officers, indicating that this shooting can't be part of such a pattern. Third, while the police critics see the *outcome of the shooting* as racial, because an unarmed African American was shot, the police defenders once more look at the photos and background of the officers, indicating that race can't be at stake. This different definition of racism in shootings, in turn, shows how the police defenders interpret the conduct of the implicated officers as well as the shooting and its outcome from an organically and historically narrow self-centered framing, in which the police defenders detach the implicated officers from the NYPD and its practices; they do not acknowledge the predominance of Caucasians in the NYPD and moreover, interpret the shooting merely by seeing the race of the implicated officers and not that of the victims as a factor that determines whether the shooting was racist.

### **Summary**

This subsection has demonstrated how the police defenders unanimously interpret the conduct of the officers, as well as the shooting and its outcome, within a self/police-centered framing delineated by the concerns, feelings, thoughts and previous experiences of the implicated officers, or in a broader sense all police officers. This self-centered approach is seemingly a result of the nature of police work itself. Within this historical and organic 'us' interpretative framing, the police conduct is part of a historical and organic pattern of proper training, strict guidelines, and strong leadership, while the shooting and its outcome fit within the historical and organic interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this

interaction. In certain ways, this resembles the interpretative framing of the NYPD, yet the former is much more outspoken in conveying this framing, and moreover, lays a much heavier emphasis on victimization.

In addition, this subsection has also demonstrated how police defenders maintain a narrow and self-centered definition concerning the notions of lawlessness, excessiveness and race, applying ‘police protocol, training, guidelines and superior orders’ as factors that determine whether the shooting was excessive and lawless (and not the fact that three unarmed men were shot) and the race of the implicated officers (and not the NYPD in its totality or the race of the victims) as factors that determine whether the shooting was racist. The police defenders, moreover, subtly downplay the existence of a broader historical and organic pattern of unlawful police shootings, police misconduct, racial profiling and racial injustice in the broadest sense of the word. In turn, both the usage of these different definitions, as well as the subtle denial of such broader patterns, result in an interpretative antithesis of the framing held and constructed by police critics.

The analysis also exposed how interpretative framings are intricately interwoven into the fabric of the police defenders discourse. More specifically, it is not the message itself, but rather the subtly reverberated vocabulary and rhetoric that lay bare the dimensions of constructed framings.

The self-centered interpretative framing, in turn, also gives insight into the positioning held by police defenders. By itself, such a self-centered approach already suggests a rigid positioning that does not seek common ground. The analysis conducted in this subsection validates this suggestion, as it brought to light how other interpretative vantage points are often excluded in the defenders’ communication. This specific aspect of the police defenders’ positioning in the debate will be further discussed in Subsection 3.3.2.

### **3.2.2 Framing the aftermath: A fight against ‘professional police haters’**

Within the police defenders’ discourse, there is much similarity between the manifestation of interpretative framings concerning the shooting and framings concerning ensuing events. To start with, the interpretation of the processes that take place after the shooting are almost as subtly conveyed by police defenders as their interpretation of the shooting itself. The police defenders for that matter are not as outspoken as the police critics are in their interpretation of the process that followed the Sean Bell shooting. Second, the perceptions that convey the inner lives of the implicated officers — discussed in Subsection 3.1.4 — not only provide insight into the deeper-layered interpretative framing of the shooting, they also do so for the framing of the events that occurred afterwards. It is for that matter relevant to take another look at some of the discourse in which these perceptions occurred:

#### ***During the grand jury process (March 2007)***

*A New York Times* excerpt:

Lawyers for the officers have said that the shooting tore at **their clients** emotionally.<sup>78</sup>

*Just after the indictments (March 2007)*

Mr. Karasyk on the indictments:

“Obviously, **my client is upset**, and he’s looking forward to having his day in court, and we’re all confident he will be vindicated.”<sup>79</sup>

A *New York Times* excerpt:

The wait was a somber one, said Philip E. Karasyk, who represents Detective Isnora. “There is **nothing more heart-wrenching** than to see **a police officer put through the system**, especially one **who didn’t do anything wrong**,” Mr. Karasyk said.<sup>80</sup>

*In between the indictments and the trial*

Mr. Karasyk after a brief court hearing:

“We want to get this over with. [...] **Every day is hell for these guys**.”<sup>81</sup>

*After the acquittals (April 2008)*

Mr. Karasyk on Detective Isnora:

“It’s been **hell** for him. [...] He’s been a **nervous wreck**.”<sup>82</sup>

A *New York Times* excerpt on how the aftermath affected Detective Cooper:

Detective Cooper, 40, lives in Orange County with his wife and three children, said his lawyer, Paul P. Martin. Detective Cooper, who is black, was **especially crushed** by allegations that racism prompted the shooting, Mr. Martin said, because he had mentored black youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group.<sup>83</sup>

Detective Cooper, in his speech just after the acquittals:

“This is the start of **my life** back.”<sup>84</sup>

In the statements above, police defenders not only convey their perception that ‘Every day is hell for these guys’ — as discussed in Subsection 3.1.4 — the statements also indirectly provide insight into how the police defenders interpret the aftermath of the shooting within a broader framing. More specifically, the statements above also show how the group interprets the events that ensued after the shooting to a large extent from a self/police-centered perspective, dominated again by experiences, feelings and concerns (supposedly) held by the implicated officers, through which the interpretative vantage point of the victims is often overlooked. Detective Cooper’s remark succinctly captures this self-centeredness in his remark ‘This is the start of my life back’.

The statements above do not reveal much of the historical and organic dimensions of this self-centered interpretative framing. It is moreover more difficult to pinpoint a sense of reverberation in these statements than it was in the analysis of the interpretative framing of the shooting. An

explanation for this is that while the implicated officers have been in (dangerous) street encounters before (a broader interpretative framing of the shooting), they have not been involved in a judicial process. Only Mr. Karasyk's remark that 'there is nothing more heart-wrenching than to see a police officer put through the system, especially one who didn't do anything wrong,' suggests a broader historical and organic pattern of victimization caused by unjust criticism. Both the self-centered framing and the existence of its historical and organic dimensions of victimization and unjust criticism thus require more exploration.

Other statements better expose this framing of the events following the shooting:

### *Just after the indictments (March 2007)*

Excerpts from the Op-Ed article by Mr. Leuci:

In practically **every police shooting** there are two views: the way it looks and the way it really is. Still, one fact will always remain — shootings **are always** tragic.

[...] As for those three men, they can take solace from an ancient cop saying: "**I'll always rather be judged by 12 of my fellow citizens than carried by six of my brother officers.**"<sup>85</sup>

*New York Times* excerpts on the grand jury indictments:

When the same news reached the 103rd Precinct station house, on Police Officer Edward Byrne Avenue, one officer, a 17-year veteran who declined to give his name, **said he was sorry to hear it**. A jury would see — he was sure of it — that Mr. Bell's death, while tragic, was nothing more than an accident. But, he said with resignation, the indictments "**will make the public happy.**"<sup>86</sup>

===

Other officers said they read of the indictments with a nagging thought: But for the grace of different assignments, they might be facing similar charges. "I don't know what was going through their heads," a five-year veteran in the Bronx said of the indicted detectives. "They might have made a mistake, but I don't think they deserve to be facing criminal charges."

He said self-doubt roiled him. "**Every car I pull over, I think, 'Am I going to get indicted for this?'**" he said.<sup>87</sup>

### *After the acquittals (April 2008)*

Francis X. Livoti, a former New York police officer who was found not guilty in 1996 of charges that he killed a man by using a chokehold, but was later found guilty of violating departmental guidelines, and consequently fired and also convicted in 1998 of federal civil rights charges:

"The decision by the judge in Queens, although favorable, **is clearly not the end of this ordeal** for these officers."<sup>88</sup>

### *After the suicide of Lt. Michael W. Pigott (October 2008)*

A *New York Times* excerpt on Mr. Karasyk's response:

**“He had been transferred out of his unit. That’s always very disconcerting to these guys,”** Mr. Karasyk said, especially in a case compounded by heavy media coverage. **“No one takes into consideration the human being behind the cop.”**<sup>89</sup>

The quotes above are indications of how the police defenders see the process that ensued after the shooting as part of a broader pattern of police suffering and police victimization. This notion is very clear in Mr. Livoti’s statement, who predicts that the ‘ordeal’ is not over, based on the ordeal he had faced himself. In some of the other quotes, however, this broader pattern is somewhat concealed, as the statements seemingly just refer to the current shooting. Take for example the remark that the indictments ‘will make the public happy’ or the reflective remark ‘Every car I pull over, I think, “Am I going to get indicted for this?”’ Both remarks appear to refer just to (the effects of) the current shooting, although the latter could also refer to other shootings. However, these statements do suggest that police defenders feel that the public has been criticizing the police unfairly on numerous occasions and that the Sean Bell shooting is not an isolated case. The focus on ‘every car’ for that matter not only shows the magnitude of the fear for criticism and (judicial) repercussions — an essential aspect of the sense of victimization — it also subtly suggests that the vehement criticism after the Sean Bell shooting does not stand on its own. Similarly, the reference to ‘the public’ suggests that the officer has had previous experiences with ‘public response’, not just in relation to the aftermath of the Sean Bell shooting.

The historical and organic dimensions do become clear in Mr. Leuci’s statement that ‘shootings are always tragic’, as the communal suffering of all actors involved in a shooting (as discussed in Subsection 3.1.3) is a prolonged affair. The historical dimension of the notion of police victimization also becomes clear in Mr. Karasyk’s remark. Although Michael Pigott’s suicide is not directly related to the Sean Bell shooting (yet mentioned in an article referring to Sean Bell), it does show how the police defenders subtly place the aftermath of shootings within a broader pattern of historic victimization (‘always’) and organic victimization (‘no one’).

The quotes above do not provide much insight into who is responsible for the unjust criticism and the consequential victimization. Most of the quotes just refer to the criminal or departmental charges, which are a form of criticism. This indirectly suggests that the victimization is linked to the judicial process. The officer’s comment that the indictments ‘will make the public happy’ also provides some more information about who he considers to be responsible for the unjust criticism, i.e. ‘the public’.

Due to this ambiguity, it is first interesting to look at how the police defenders interpret judicial aspects of the aftermath of the shooting and how this relates to the police critics’ framing in terms of systematic judicial and political failures. The following quotes provide some more insight into these judicial aspects:



### *Just after the indictments (March 2007)*

Mr. Culleton on the indictments:

James J. Culleton, the lawyer for Detective Oliver, said the indictment “**was not unexpected** — a grand jury presentation is one-sided.”<sup>90</sup>

### *In between indictments and trial*

Mr. Karasyk after a brief court hearing:

“When this guy gets up there and he tells his story, **I just do not believe** that **12 fair-minded** people are going to say he was unreasonable to believe he was about to be shot at.”<sup>91</sup>

Mr. Palladino after the same court hearing, speaking on the negative media reports:

Mr. Palladino, however, said the [media] reports had the potential to infect a jury pool.

“**There is a foundation that this country was built upon, of due process and innocent until proven guilty,**” he said. “That foundation has been weakened and may have been compromised.”<sup>92</sup>

Mr. Kartagener on the refusal of Judge Cooperman to dismiss charges against three detectives (September 2007):

Steven R. Kartagener, who is representing Detective Oliver, said the judge’s **refusal to dismiss the charges** was a **disappointment, but no surprise**. It represents “no factual decision as to who should be believed here, or what the truth of the situation actually is,” he said.<sup>93</sup>

### *Before the indictments (March 2007)*

A *New York Times* excerpt on the grand jury testimony of Detective Oliver:

Detective Oliver testified for about two and a half hours before the grand jurors yesterday, Mr. Culleton said. The detective did not respond to reporters’ questions as he left at 2 p.m.

[...] Mr. Culleton, Detective Oliver’s lawyer, said he hoped the grand jurors **would apply the law** to the evidence they have heard. “They will conclude that while this shooting was a horrible tragedy for all involved, especially Sean Bell and his family, that no crime was committed by Detective Oliver or any of the officers involved,” Mr. Culleton said.<sup>94</sup>

### *Personal interview held with Michael Palladino (October 2009)*

Mr. Palladino:

Generally, I would not like to see a case as the Sean Bell case, or any case really, be debated, predetermined, decided, in the media. That is not the real forum for it. We **have the greatest criminal justice system in the world here in the United States**, and that is where the case should be decided, where all the facts can come out, and those people who make up [...] who are the witnesses, who make the allegations, they can be scrutinized and cross-examined, you know, in a court of law.

This Sean Bell case happened shortly after I became the president of the Union, and **I spent quite a few years investigating cases, I was a very active detective, so I was used to my cases being decided in the proper arena, the court of law**. For me it was a little bit of a

shock now this case was being tried in the media, before the criminal justice system even came into play.<sup>95</sup>

The statements above provide mixed insights into the interpretation of judicial aspects in the aftermath of the Sean Bell shooting. Unlike police critics, police defenders in the main appear to have full confidence in the criminal justice system itself. This confidence becomes clear in references to both the historical dimension of justice ('a foundation that this country was built upon', and 'we have the greatest criminal justice system in the world here in the United States'), and the organic dimension (i.e. '12 fair-minded people' and 'apply the law'). From a more general perspective, the debate ensuing after the shooting is interpreted as an unwelcome deviation from a pattern where cases are tried in court ('the proper arena, the court of law'), as opposed to in the media. This specific interpretation fits within the self-centered perspective held by Mr. Palladino, by which he interprets events from his own experiences ('I spent quite a few years investigating cases, I was a very active Detective, so I was used to [...]').

These remarks fundamentally oppose the historical and organic interpretative framing held by police critics, as the following — previously discussed — police critics' statements show:

*Just after the shooting (December 2006)*

Neville O. Mitchell, a lawyer for the Bell family:

**"We just believe that a prosecutor who marches in lock step with the New York Police Department is not capable of stepping away from this investigation and doing it appropriately."**<sup>96</sup>

Harry Belafonte:

**"It is indeed a sad statement that we have to, after 300 years, still be gathering to query, look for and demand justice,"** Belafonte said. **"Racism is the root of most of the evils that ruin this country."**<sup>97</sup>

The Rev. Calvin O. Butts III:

**"For too long we have tried to make changes, only to be disrespected."**<sup>98</sup>

Thus, while the police critics see the aftermath of the shooting as part of both a historical pattern ('For too long we have tried to make changes') and an organic pattern ('not capable of stepping away from this investigation and doing it appropriately'), and consequently feel they need to 'look for and demand justice', the police defenders believe much more optimistically that the 'foundation' of justice is already there, and that the judge/jurors simply need to 'apply the law'. They are for that matter not looking for justice, but for fairness.

Yet the interpretative framing held by police defenders is not completely clear-cut. More specifically, the historical and organic confidence in the system is somewhat countered in two of the statements above. By saying that the indictment 'was not unexpected — a grand jury presentation is

one-sided’, and, on another occasion, that the judge’s ‘refusal to dismiss the charges was a disappointment, but no surprise’, the police defenders not only show their disappointment, they also interpret this disappointment as part of a broader pattern (‘not expected’ and ‘no surprise’). These quotes do not provide more insight into why these disappointments are ‘no surprise’, apart from the notion that police defenders believe a grand jury process is usually ‘one sided’. Mr. Palladino also counters the confidence in the criminal justice system, by saying that the ‘foundation has been weakened and may have been compromised.’ However, he seems to refer merely to the events that have taken place after the Sean Bell shooting, and the statement does not shed further light on the historical dimensions of the framing constructed by police defenders. This quote thus tells more about the reactions to ‘reality challenges’ in the debate, as will be further discussed in Subsection 3.3.2. He also says that it is not the criminal justice system itself that is flawed, but that it is ‘weakened’ by external factors.

On a broader level, it can be concluded that the police defenders interpret the aftermath of the shooting as part of a pattern of overall confidence in judicial justice (with a few caveats), but that the justice has not always been fairly applied, often due to external factors. This interpretative framing of unfairness is the starting position of the police defenders in the debate ensuing after the Sean Bell shooting, as will be further discussed in Subsection 3.3.1.

It is also interesting to look more closely at the external factors that have weakened the criminal justice system in the past and in the present, according to police defenders. More broadly, the following quotes provide insight into the way the police defenders interpret the role of those who criticize the implicated officers and the police in general, and the effect their communication has on the latter:

***At the time of the ‘shopping for justice’ protest march (December 2006)***

*A New York Times* excerpt:

Before the march, Steven A. Pagonis, a former assistant prosecutor in Dutchess County who won a defamation suit against Mr. Sharpton and two others in 1998, showed up near the marchers’ rendezvous point to remind reporters that he had been falsely accused of being one of a group of white men who abducted and raped a black teenager, Tawana Brawley, in Wappingers Falls, N.Y., in 1987. The case stirred racial tensions nationally, but was investigated by a grand jury and found to be a hoax.

“I want people to understand that **for years** he’s [Mr. Sharpton] made **reckless allegations in furtherance of his own agenda.**”

Michael J. Palladino, president of the Detectives’ Endowment Association, also cited Mr. Sharpton’s role in that matter. “I think it’s all about credibility, something the **Rev. Al had forsaken a long time ago in the Tawana Brawley case,**” Mr. Palladino said. “He’s trying to deny our police officers their civil rights and due process. **But in the end, a grand jury will hear the evidence and they’ll come to a decision.**”<sup>99</sup>

### *During the trial (March 2008)*

An excerpt from a *New York Times* interview with Mr. Ricco:

“A bunch of young people ran up behind me quickly,” Mr. Ricco recalled. They wore pins for the New Black Panther Party. “One said, ‘I want to ask you a question.’ They’re asking me about the case. ‘How could you?’”

[...] “My BlackBerry exploded,” he said in an interview last week. “I got phone calls from many people who tried to discourage me from getting involved in the case. I was very disturbed by some of the views that were expressed. ‘You’re seen as a hero in our community. How can you represent them?’

“The answer to it is very simple,” he said. “I thought about many of the young black men who were prosecuted and executed in **small towns in the old South**. Excellent white lawyers living in those towns were intimidated from getting involved with those cases. **Would I fold to the community’s sense of outrage?** I hope to think if I was a lawyer in those small towns, I would have stood up.”

[...] He shrugged off suggestions that he is putting Mr. Bell on trial, or even, as a lawyer for Mr. Bell’s parents said recently, putting the “black community on trial.”

“These are just convenient clichés that people use,” he said. “What part of the black community is he talking about? **I’m in the black community. Am I on trial?**”<sup>100</sup>

### *At the end of the trial (April 2008)*

A *New York Times* excerpt on Mr. Ricco’s closing arguments:

Apparently referring to Mr. Sharpton, who was in the courtroom briefly on Monday and left before Mr. Ricco began speaking, he said: “Somebody wanted this case to come out and fit a script. They know who they are.”

“They turn their back on **people like** Giscard Isnora,” using “fancy radio shows” and “a network,” he said.

He described his own background as a death penalty lawyer who has defended black people accused of killing police officers, “trying to save people **from our community** from the gallows,” and said **supporters of Mr. Bell’s family** “sort of discouraged me from doing my sworn duty.”<sup>101</sup>

The statements above lay bare how police defenders see the aftermath of the Sean Bell shooting as part of a broader pattern of unfair criticism and unfair methods of and motives for conveying this criticism, which in turn leads to a pattern of police victimization. The core group responsible for these structural patterns consists of ‘Al Sharpton’ and ‘supporters of Mr. Bell’s family’, thus roughly comprising the group of police critics as defined in this research.

The broader historical pattern of unfair criticism, methods and motives for instance becomes apparent in the connection Mr. Palladino makes with the Tawana Brawley case. In this case, Al Sharpton vehemently supported Ms. Brawley, a then 15-year-old who had allegedly been raped by a gang of white men, some of whom were police officers. However, a grand jury decided that the allegations were false. Years later, a state jury determined that Mr. Sharpton and others had defamed

Mr. Pagones (an Assistant District Attorney in Dutchess County, New York) by wrongly accusing him of being one of the abductors. Mr. Sharpton's share in the damages awarded to Mr. Pagones was \$65,000.<sup>102</sup> Mr. Palladino maintains that due to this case, Al Sharpton lost his 'credibility' (unfair motives) 'a long time ago' (historical dimension). Mr. Pagones himself, also speaking out on the protest march, further stresses the historical magnitude ('for years') of the unfair criticism ('reckless allegations') and unfair methods and motives ('furtherance of his own agenda').

The organic pattern of unfair criticism, methods and motives becomes apparent in subtle rhetoric, such as 'they turn their back on people like Giscard Isnora' and 'these are just convenient clichés that people use'. Although the statements appear to refer to the Sean Bell case, in fact the generalizing words 'like' and 'just' tell more about the broader pattern of unfair criticism, methods and motives, including the widespread use of clichés, and the use of media, such as radio, to slander the implicated officers.

The broader organic pattern of victimization also becomes apparent in references such as 'people like Giscard Isnora', as such references extend the victimization from Detective Isnora to other police officers. Mr. Palladino's remark 'He's trying to deny our police officers their civil rights and due process' also shows this victimization, but the union leader does not link it to a broader historical framing. His remark thus provides more insight into the positioning of the police defenders, which will be further discussed in Section 3.3.

How does the framing held by police defenders compare to that of police critics? In the statements above, the police defenders do link the process that ensued after the shooting to a broader historical and organic framing of the civil rights movement against systematic judicial and political failures, just like the police critics did. Yet there are striking differences between the framing constructed by police defenders and police critics. Although police defenders do recognize the fight of Al Sharpton as part of a broader movement/pattern (for instance by referring to the 'Tawana Brawley case'), the police defenders again do not interpret the process as part of a pattern of judicial and political failures. Instead, they just recognize that the police critics do this. In fact, Mr. Palladino believes Al Sharpton is trying to obstruct the judicial process, but that 'in the end, a grand jury will hear the evidence and they'll come to a decision.' In other words, Mr. Palladino trusts the judicial system, while he distrusts the conduct of Al Sharpton, based on former actions and the behavioral pattern of both.

Moreover, police defenders do not relate the racial injustice (part of the pattern of systematic judicial and political failures) to the aftermath of the Sean Bell shooting and specifically their personal conduct in this aftermath. Although Mr. Ricco does acknowledge racial injustice from a broader perspective, he refuses to admit that his conduct supports this racial injustice. In fact, by saying 'I'm in the black community. Am I on trial?' Mr. Ricco maintains a similarly 'narrow' definition of race in reference to the shooting as other police defenders do. More specifically, by looking at his own

background, and not at that of African Americans as a group, he argues that the black community can't be on trial, implicitly refuting the broader pattern of racial judicial injustice as perceived by police critics, as well as racial victimization due to this pattern.

Conversely, Mr. Ricco compares the outrage of the black community on his choice to defend Detective Isnora, to the historical outrage of the white community to defending African Americans in the South. By doing so, he not only contests the interpretation held by the black community that his conduct reinforces the broader pattern of racial injustice in the judicial process following shootings, he also attacks the community for doing so.

The interpretative framing of the shooting's aftermath is thus a complex one. The Op-Ed articles written by Robert Leuci and Kyle K. Murphy succinctly capture the different components of this interpretative framing held by police defenders:

### *Just after the indictments (March 2007)*

Excerpts from the Op-Ed article by Mr. Leuci:

Of course, this makes little difference to those like **Al Sharpton who have made careers out of demonizing the police**. Whenever something like this happens, the **professional police haters** will hold their rallies at 1 Police Plaza, people will come with signs comparing the department to the **Ku Klux Klan**. The signs are sometimes clever but **always mean-spirited** and reflecting a **calculated rage**; any thinking person knows that they **are self-serving nonsense**.

Someone once said that a society that makes **unwarranted war** with its police had better make friends with its criminals.

[...] **There will always be some who want to believe what Mr. Sharpton says, even though they know better. For some reason, they feel an obligation to raise their voices in anger, to march outside 1 Police Plaza in response to events that they — or anyone who wasn't present outside Club Kalua — know little about. It's a contradiction, a puzzle.**<sup>103</sup>

### *Just after the acquittals (April 2008)*

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

When police officers are cleared of charges in a tragedy like the Bell shooting, or that of Amadou Diallo in 1999, **critics will look elsewhere to assign blame. A common claim is that if the officers aren't to blame, the fault must lie in their training. This is nonsense.**

[...] For most people exonerated at trial, this story would be over — **but not for the police**. The officers still face the prospect of federal charges and departmental punishment. It makes me very glad I didn't have to shoot that man in the Port Authority. Even though he had a knife, the police are **always** second-guessed when they use deadly physical force.

In his closing arguments last week, the prosecutor, Charles Testagrossa, said, "We ask the police to risk their lives to protect ours." I agree.<sup>104</sup> But **they shouldn't have to gamble with them.**

The densely packed discourse in the Op-Eds above provides further insight into the historical and organic patterns of unjust police criticism ('the police are always second-guessed when they use

deadly physical force'; 'people will come with signs comparing the department to the Ku Klux Klan'; 'self-serving nonsense'; 'even though they know better'; 'a common claim'), unfair methods in conveying this criticism ('the signs are sometimes clever but always mean-spirited and reflecting a calculated rage'), and unfair motives for maintaining the criticism ('self-serving'), resulting in police victimization ('demonizing the police'; 'unwarranted war'; 'they shouldn't have to gamble with them'; 'but not for the police'). It is also interesting how the Op-Ed articles succinctly capture the interpretation of the historical and organic role of police critics in the aftermath of police shootings. More specifically, in the police defenders' interpretative framing the police critics become 'police haters' 'who have made careers out of demonizing the police'. Similarly, Mr. Murphy is suggesting that critics think it is always imperative 'to assign blame'. Although Mr. Leuci acknowledges the movement, as well as the delimitation of the 'us' group as perceived by police critics ('they feel an obligation to raise their voices in anger'), he does not understand it ('for some reason' and 'It's a contradiction, a puzzle').

### **Summary**

This subsection has demonstrated how police defenders unanimously interpret the aftermath of the shooting within a self/police-centered framing delineated by the concerns, feelings, thoughts and previous experiences of the implicated officers, or in a broader sense all police officers.

Within this historical and organic 'us' interpretative framing, the aftermath of the shooting is part of a historical and organic pattern of prolonged and profound unfair criticism, methods and motives instigated by police critics, which in turn has led to a pattern of police suffering and victimization and a weakening of the criminal justice system.

It is important to note that it is not so much the criminal justice system itself that the police defenders consider to be responsible. This is an important difference to the interpretative framing of the group of police critics, who position the aftermath of the Sean Bell shooting within a broader framing of systematic judicial and political failures. Conversely, police defenders see the aftermath of the shooting as part of a pattern of overall judicial justice (with a few caveats), which has not always been 'fairly' applied due to the unfair criticism, methods and motives of police critics. The core of this group — within the interpretation of police defenders — is formed by Al Sharpton and his followers, or, in a broader sense, those that criticize the police, a significant notion that will be further discussed in Subsection 3.3.2.

In addition, this subsection has demonstrated how police defenders maintain a narrow and self-centered definition concerning the racial dimensions of the judicial process ensuing after police shootings, regarding individual racial background and not the race of the victims or the African-American community at large as a factor that determines whether the judicial process is racist, and whether African Americans are racially victimized.

The analysis has also demonstrated how interpretative framings are subtly conveyed in the police defenders' discourse. Again, it is often not the statements themselves, but rather the faintly reverberating vocabulary and rhetoric that expose the dimensions of the interpretative framings held by police defenders.

As a final point, the self-centered framing again suggests a rigid positioning in the debate, of which a few examples have already been mentioned. More specifically, the self-centered historical search for fairness — as opposed to the search for justice — is the link between the interpretative framing and the positioning constructed and held by police defenders.

### **3.2.3 Conclusion**

The analysis in this section has shown that police defenders unanimously interpret the conduct of the officers, as well as the shooting, its outcome and the processes that have taken place in its aftermath, within a self/police-centered framing delineated by the concerns, feelings, thoughts and previous experiences of the implicated officers, or in a broader sense all police officers. Within this narrow 'us' interpretative framing, the police conduct is part of a historical and organic pattern of proper training, strict guidelines, and strong leadership, while the shooting and its outcome fit within the historical and organic interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction. The aftermath of the shooting, in turn, is seen as part of a historical and organic pattern of prolonged and profound unfair criticism (with occasional bursts of unfair public outrage) as well as unfair methods and motives instigated and maintained by police critics, which in turn has led to a pattern of police suffering and victimization and a weakening of the criminal justice system. The framing of both shooting and process are the interpretative antithesis of the framings held and constructed by police critics, as the police defenders maintain different definitions for key factors such as the notions of lawlessness, excessiveness and race, as well as for the functioning of the criminal justice system, and the role of both the police and the civil rights movement.

None of the police defenders assume a role similar to that of Al Sharpton who was a driving force in conveying the interpretations of the police critics. Instead, police defenders all have quite a similar role. The interpretative framings of the shooting and its aftermath for that matter are also unanimously conveyed, although it is remarkable that the police defenders never communicate the totality of their interpretations at once, but rather focus on the different elements on different occasions, which results in a complex, intricate and entwined web of interpretative framings. This is especially true for interpretations of the aftermath of the shooting; only Mr. Leuci's Op-Ed comes close to providing an all encompassing interpretation. The communications by the officers' lawyers, conversely, are less direct than Mr. Leuci's. Seemingly, their discourse refers merely to the Sean Bell



shooting, but the historical and organic dimensions of their interpretations come to light in their use of subtly reverberating rhetoric as well as in the more direct (yet still subtle) links to the past.

The police defenders' rhetoric is harsh and emotional on most occasions, especially in the discussed Op-Ed. Similar to the cognitive associations conveyed by police critics, these interpretations show the historical and organic magnitude of notions such as police criticism and police victimization. In this sense, the framings can be seen as strategic PR and judicial communication, aimed at underlining the case's magnitude, and influencing both public opinion and the outcome of the court case.

In conclusion, the interpretative framings held and constructed by police defenders once more are the links between perceptions and positioning. To start with the former, the interpretations discussed in this section proved to be a deeper layer of perception and interpretation, fuelling the labels discussed previously. While the labels 'A matter of seconds' and 'A tragic set of events' link to an interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction, the label 'Every day is hell for these guys' refers both to the pattern of proper conduct during shootings and the unfair criticism, methods and motives and consequential police victimization that occur afterwards. In a broader sense, the 'us-versus-them' images discussed in Section 3.1 are also a product of both the self-centered perspective and the police defenders' interpretation of the police critics' role as 'professional police haters', whose actions lead to police victimization. The framings also function as the basis for the positioning of the defenders, as will be discussed in the section ahead. While the self-centered perspective and the narrow and self-centered definitions concerning the notions of lawlessness, excessiveness and race already give insight into the bandwidth of the playing field and reality created and held by police defenders, the pattern of police victimization during and after shootings as well as the pattern of unfair criticism, methods and motives instigated by police critics, together comprise the starting position of the police defenders in the debate.

### 3.3 Positioning

The police defenders have a profound role in the Sean Bell debate. Unlike Police Commissioner Kelly, who cannot have a reaction to the shooting, the police defenders clearly position themselves as defenders of the implicated officers. The name ‘defender’ for that matter should be taken literally, as the police defenders defend the implicated officers to the hilt and are very outspoken about this. This outspokenness makes the research into the positioning easier than with the NYPD. The analysis will hence be structured in a similar fashion to the analysis of the positioning held by police critics. The manifestation of police defenders in the Sean Bell debate will be researched, first by looking at the delineation of the desired outcome of debate followed by the delineation of the realities and truths held by police defenders, and the character of their communication strategies. This section also briefly looks at the driving force of the police defenders’ response. As a final point, the gray shades of the police defenders’ positioning will be discussed.

#### 3.3.1 The delineation of debate: All police officers deserve fairness

In what way do the police defenders delineate the debate that ensued after the Sean Bell shooting? By scrutinizing the police defenders’ communication in the ‘Sean Bell’ debate, it becomes clear that the police defenders focus on one specific outcome, similar to the focus on ‘justice’ conveyed by police critics. This delineation is mainly conveyed by the lawyers defending the officers and by union leader Mr. Palladino. The implicated officers do not speak out before the acquittals, and afterwards they do not refer to the delineation of debate. Similarly, other police officers are restricted in their speech, and thus only on rare occasions do they (anonymously) speak out on the desired outcome and delineation of debate. Other police defenders also only rarely convey their perceptions of this delineation.

The following quotes provide more insight into the police defenders’ focus on one specific desired outcome:

##### *Just after the shooting (December 2006)*

Mr. Palladino after meeting with the prosecutor:

“I think they’re **entitled** to a **fair** and **impartial** investigation, and most importantly, they are **entitled** to **due process**.”<sup>105</sup>

##### *During the grand jury process (January–March 2007)*

Mr. Karasyk speaking about a Council hearing in which City Council members questioned Commissioner Raymond W. Kelly on diversity in the Police Department, standards for undercover operations and perceptions of the police’s unequal treatment of black New Yorkers.

“The timing of today’s City Council hearing as well as the so-called town hall meetings is an unprincipled and pernicious attack on the integrity of the grand jury process,” he said. “The sole effect is to deny these police officers a **fair** and **impartial** grand jury investigation.”<sup>106</sup>

Mr. Palladino speaking about Michael Oliver's grand jury testimony:

"This detective has been **characterized as a cowboy**, and that's not true and it is **unfair**," said Mr. Palladino, who said that Detective Oliver, like his colleagues, was testifying without immunity. "This detective is an impeccable officer, has an unblemished record."<sup>107</sup>

Mr. Palladino on the suggestion of police critics that the shooting was racist:

"It would be **unfair** to characterize the shooting, in any fashion, as **racially motivated**."<sup>108</sup>

Mr. Martin on Detective Cooper testifying before the grand jury:

"We do feel **confident** that the grand jurors will give him a **fair shake**, as they will all the subject officers and detectives in this matter [...] We're **confident** that after considering all the evidence that will be posed to them, my client and all the other officers will be exonerated."<sup>109</sup>

### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on the opinion of random officers on the indictments:

Other officers said they read of the indictments with a nagging thought: But for the grace of different assignments, they might be facing similar charges. "I don't know what was going through their heads," a five-year veteran in the Bronx said of the indicted detectives. "They might have made a mistake, but I don't think they **deserve** to be facing criminal charges."<sup>110</sup>

### ***In between the indictments and the trial***

Mr. Palladino after a brief court hearing:

Mr. Palladino said the detectives' **right to a fair trial** had already been damaged by "the acts and antics of people like Al Sharpton," who led protests of the shooting, and that a change of venue might be necessary.<sup>111</sup>

Mr. Karasyk after the same brief court hearing:

"When this guy gets up there and he tells his story, I just do not believe that 12 **fair-minded** people are going to say he was unreasonable to believe he was about to be shot at."<sup>112</sup>

A *New York Times* excerpt on the motion filed by the officers' lawyers requesting that the trial be moved out of New York City (January 2008):

Michael Palladino, president of the Detectives' Endowment Association, which represents the three defendants, said a fair trial in Queens was impossible.

"The negative publicity and the antics of Al Sharpton and others have created a situation where the **right to a fair trial is in jeopardy**," he said.<sup>113</sup>

### ***After the acquittals (April 2008)***

A *New York Times* excerpt on the possibility of federal charges and the visit of Representative John Conyers Jr. of Michigan, the chairman of the House Judiciary Committee, which oversees the Justice Department:

Mr. Conyers emerged into a steady rain. After briefly gazing at the club, he walked around a corner onto Liverpool Street, surrounded by photographers and television camera operators. He paused at a spot where a memorial for Mr. Bell included flowers and candles.

As he walked back to his car, he was approached by Ken Frydman, a consultant to the Detectives' Endowment Association, who asked the congressman to meet with representatives from that group.

Mr. Frydman told reporters afterward that Mr. Conyers seemed amenable to the idea. "**We'd like equal time,**" he said. "**We'd like to be heard.**"<sup>114</sup>

Mr. Worth on the possibility of federal charges:

"It's devoutly hoped that if the federal government is going to look at this, that they do so **expeditiously and in good faith,**" said Stephen C. Worth, a lawyer for Officer Michael Carey, who was not indicted but is under the same scrutiny now as the three acquitted detectives.

"These officers **deserve to have their careers taken off hold,**" Mr. Worth added.<sup>115</sup>

The quotes above show how police defenders focus on two notions — 'fairness' and 'to deserve'. As with the police critics, the police defenders lay emphasis on these notions continuously throughout the aftermath of the shooting and in different arenas of debate. Yet this emphasis is less emphatic, and is not captured in a slogan such as 'Justice for Sean Bell'. Also, the sense of urgency that emanates from 'Justice for Sean Bell' is less pronounced in the quotes above.

What do both notions mean to police defenders? Just like police critics, police defenders have a solid idea of what the concept of fairness and 'to deserve' should entail. Cues for this can be found in the synonyms used for *to deserve* (i.e. 'to be entitled to' and 'to have the right to') and for *fairness* (i.e. 'impartial', 'due process' and to a lesser extent: 'in good faith'). In addition, cues can be found in the historical and organic framings of prolonged and profound unfair criticism, methods and motives instigated by police critics, and the consequential pattern of police suffering and victimization and a weakening of the criminal justice system, as discussed in the previous section. These two different sources seem conflicting. More specifically, the cues found in the quotes stated at the beginning of this subsection and those found in the broader interpretative framings at first glance don't seem to match, as the notion of fairness in the quotes above appears to be linked to the criminal justice system, and the broader pattern of unfairness is linked to external factors. In fact, the notion of 'to deserve' fits much better within the interpretative self-centered framing dominated by the concerns, feelings, thoughts and previous experiences of the implicated officers, as it prioritizes their rights and desires.

In order to further scrutinize the notions of 'fairness' and 'to deserve' in the context of the police defenders' desired outcome of debate, it is useful to look at their definitions in the English language:

#### **Fair**

Adjective — 1. Treating people equally. 2. Just or appropriate in the circumstances.

**Deserve**

Verb — Do something or show qualities worthy of (a reward or punishment as appropriate).<sup>116</sup>

Similar to the definition of justice, the definitions of ‘fair’ and ‘deserve’ focus on the notions ‘just and appropriate’. Both notions complement each other: the desired outcome of the debate should be appropriate — that is what the officers ‘deserve’. Combined, the police defenders are thus saying that the officers ‘deserve fairness’.

In the quotes cited at the beginning of this subsection, the police defenders give conflicting messages on what this fairness should entail. On a superficial level, the officers are ‘entitled to due process’, ‘they’re entitled to a fair and impartial investigation’ (repeated twice), and they have ‘the right to a fair trial’. The police defenders furthermore expect that the grand jurors give the officers ‘a fair shake’ and that the federal government should look at the case ‘expeditiously and in good faith’. This fairness seems to refer to ‘the equal treatment of people’ as described in the first tier of the definition stated above. This ‘equal treatment’, in turn, appears to imply that the fairness proposed by the police defenders is broadly delimited, just focusing on the equal treatment in the process itself, while incorporating all stakeholders involved. Of course, the police defenders are only saying that ‘officers’ themselves ‘deserve’ equal treatment, yet the notion of equality by itself seems to imply that the victims in the case should receive it too.

What is also striking at first glance is how the notion of fairness focuses to a large extent on the criminal justice system, and specifically on the fairness of the Sean Bell trial within the system. Thus, on this superficial level, the meaning of fairness appears to be different from the previously discussed interpretative framings of unfairness and the historical search for fairness, which are not so much directed at the criminal justice system, but on those bringing the system into jeopardy, i.e. the police critics.

On a deeper level, a different definition of the notion ‘to deserve fairness’ emerges. This definition is more rigidly defined and is more in line with the previously described interpretative framing. First of all, the ‘equal treatment’ proposed by the police defenders is paired with sentences dealing with ‘conditions’ set by police defenders for fairness to take place. For example, Mr. Martin feels ‘confident that the grand jurors will give him a fair shake’, but he is also ‘confident that after considering all the evidence that will be posed to them, my client and all the other officers will be exonerated’. In other words, Mr. Martin links ‘fairness’ to ‘the acquittals of the officers’, thus setting conditions for the notion ‘to deserve fairness’. Similarly, Mr. Karasyk sets such conditions by saying ‘When this guy gets up there and he tells his story, I just do not believe that 12 fair-minded people are going to say he was unreasonable to believe he was about to be shot at’. In this quote, ‘fair-minded people’ will exonerate Detective Isnora and thus, by implication, a jury who will not do so cannot be fair-minded. Thus, this fairness does not so much mean ‘equal treatment of people’ but more ‘just and appropriate in the circumstances’ — ‘just and appropriate’ referring not really to a ‘consensus

opinion’ of all stakeholders involved, but rather to the opinions held by police defenders. Other cited quotes reinforce this notion, and moreover, extend the notion of fairness from the judicial scene to a broader conception that the officers should be treated fairly on all accounts. Mr. Palladino for instance says that it is unfair that Detective Oliver has been ‘characterized as a cowboy’, that the officers ‘deserve to have their careers taken off hold’ and that it is ‘unfair to characterize the shooting, in any fashion, as racially motivated’. Again, this fairness does not so much mean ‘equal treatment of people’ but more ‘just and appropriate in the circumstances’, the terms for appropriateness set by the police defenders themselves.

The sentences above not only stress the desired fairness, but also the current state of perceived ‘unfairness’ concerning the process that ensued after the Sean Bell shooting. This notion of unfairness is directly stated, as in the quotes just discussed, but also more subtly interwoven into the police defenders’ communication. For example, Mr. Frydman’s remark ‘We’d like equal time [...] We’d like to be heard’ indirectly implies that Mr. Conyers would not have received equal time had he not asked for it. Similarly, Al Sharpton is bringing ‘the right to a fair trial [into] jeopardy’, implying that the current state of the process is leaning towards ‘unfairness’.

This unfairness fits within the previously described pattern of unfair criticism, methods and motives, as the police defenders do not believe that the criminal justice system itself is unfair, but that the fairness is brought into jeopardy by external groups. On a deeper level, the quotes discussed at the beginning of this subsection thus show the differences between the notions of the police critics’ justice and the police defenders’ fairness, which at first glance appear to be similar. More specifically, while the notion of justice directly refers to the justice system itself, the notion of fairness refers not only to the confidence in the criminal justice system, but also to factors that can negatively influence this system. Thus, by using the notion of ‘fairness’ instead of ‘justice’ the responsibility for the shooting shifts from the criminal justice system to the police critics, while the police defenders remain confident in the system itself.

The ‘unfairness’ also comprises a sense of victimization (similar to the interpretative framing) as the police defenders believe that officers are not treated justly or appropriately. The link between unfairness and victimization can best be understood by looking at the definitions of both words. This is how the notions ‘victimization’ and ‘unfairness’ relate in the English language:

**Victimize**

Verb — Single (someone) out for cruel or unjust treatment.

**Unfair**

Adjective — 1. Not based on or showing fairness; unjust. 2. Contrary to the rules of a game.<sup>117</sup>

These definitions show that ‘unfairness’ and ‘victimization’ both involve ‘unjust treatment’, yet the latter notion is more emotionally charged than the former. In other words, by saying that the officers

are treated unfairly, the police defenders are subtly and indirectly saying that they are victimized. This subtleness and obliqueness is caused by the double meaning of the definition of unfair. The officers are not just receiving ‘unjust treatment’, but this treatment is also ‘contrary to the rules of a game’, which is a factual, and not an emotional, way of saying that the officers have been victimized.

The combination of the words ‘deserve’ and ‘fairness’ further reinforces the notion of victimization. More specifically, they reiterate the fact that the charged detectives ‘deserve fairness’, because they believe that they are not receiving it. In this light, the fact that the police defenders are only referring to the officers who ‘deserve fairness’, and do not mention the victims, further supports this contention. This sense of victimization is also evidenced by the police defenders’ responses when the notion of fairness is challenged by different judicial decisions, as will be discussed in the next paragraphs of this subsection.

The quotes cited at the beginning of this subsection thus reveal to what extent and in which way the notion of fairness is delimited. When asked why he focused on fairness, Mr. Palladino’s response is in line with the statements discussed above:

*Personal interview held with Michael Palladino (October 2009)*

Mr. Palladino speaking in retrospect on his focus on fairness:

Well ‘fairness’ to me goes back to when we started our conversation, that there **is a justice system** ... You are innocent till proven guilty ... I used this quite a bit in the beginning ... All we are looking for is fairness, is to go before an unbiased juror or jury or group of peers and in the end that what I was trying **to preserve was ‘fairness’ for the detectives** because, as I said, I thought the justice system was being **poisoned by very critical media and people** disseminating this information so all I was trying to **preserve for the detectives ... I always said their due process but their due process by definition is fairness.**

[...] As I said, in the end you are seeking **fairness**, justice, you can use whatever word you want, **and I think justice was done in this situation**, because as I **said any fair and reasonable human being put in the same position as the cops with the same equipment and the same set of facts and circumstances would have had to take the same action.**<sup>118</sup>

In his response, the union leader again delimits the notion of fairness, by merely linking it to ‘the detectives’. The notion of fairness for that matter relates to ‘just and appropriate in the circumstances’, the appropriateness set by the police defenders themselves. The union leader, again, also stresses the state of unfairness brought about by police critics as well as by the media. While Mr. Palladino does not link fairness to the acquittals of the implicated officers, he does do so in the latter statement (‘I think justice was done in this situation, because [...] any fair and reasonable human being [...] would have had to take the same action’), thus further delimiting the notion of fairness.

Although the phrases ‘The implicated officers deserve fairness’ and ‘Justice for Sean Bell’ both focus on just treatment within the same judicial framework, the interpretation of this just treatment as well as the factors that bring such treatment into jeopardy are diametrically opposed, as the police defenders’ objective is the acquittal of the officers, while police critics want to see the officers held (criminally) accountable. The notion of fairness is thus delimited in a similar fashion to the notion of justice. Not only is the treatment itself defined, but also the receiver of the treatment, and the culpability of those who challenge this process.

Fairness itself is a notion that fits within the common values that Americans share, just like the notion of justice. For that matter the notion itself is ‘coalition-oriented’ as it seeks a common ground to which people can relate. However, the police defenders’ definition of the concept on a deeper level is narrowly delimited, implying that such common ground is not sought, and that the use of the notion is not coalition-oriented. The police defenders use of the word fairness is thus dual-layered, which leads to a dual-layered desired outcome of debate: ‘the implicated officers deserve fairness’. The next paragraph will look more closely at how the concept of fairness is challenged and how it develops throughout the aftermath of the shooting.

### **The rigidity of deserving fairness: An unequal demand for equality**

To better comprehend the police defenders’ notion of fairness and their method of conveying this notion, this paragraph will look at moments throughout the aftermath of the shooting that challenge the police defenders’ conception of this notion. More specifically, this paragraph looks at how police defenders responded to different judicial decisions that took place after the shooting, as well as how they positioned themselves in different judicial settings.

The notion of ‘fairness’ is used almost immediately after the shooting:

#### ***Just after the shooting (November 2006)***

Mr. Palladino after meeting with the prosecutor:

Michael J. Palladino, president of the Detectives’ Endowment Association, said he and the president of the Patrolmen’s Benevolent Association, Patrick J. Lynch, met yesterday with Mr. Brown and Jack Ryan, Mr. Brown’s chief assistant, for about 30 minutes.

Mr. Palladino said that he wanted to know when the case would be presented to a grand jury and “**wanted to come away with a comfort level**” that the four detectives and one police officer involved in the shooting “**would have a level playing field**” in Mr. Brown’s investigation.

[...] He said he came away from the meeting with a sense that the **five would be treated fairly**.<sup>119</sup>

#### ***At the time of the ‘shopping for justice’ protest march (December 2006)***

Mr. Palladino:



Michael J. Palladino, president of the Detectives' Endowment Association, [...] cited Mr. Sharpton's role in that matter [in "furtherance of his own agenda"]. "I think it's all about credibility, something the Rev. Al had forsaken a long time ago in the Tawana Brawley case," Mr. Palladino said. **"He's trying to deny our police officers their civil rights and due process. But in the end, a grand jury will hear the evidence and they'll come to a decision."**<sup>120</sup>

The statements above further elaborate on the meaning of 'to deserve fairness'. Mr. Palladino's appeal for the officers to 'have a level playing field' in Mr. Brown's investigation, relates to the equal treatment of the officers and to playing in accordance with 'the rules of a game'. The remarks thus fit within the first meaning of 'fairness', although the police defenders do focus on the equal treatment of the officers only.

At this stage of the aftermath, the police defenders appear to be optimistic about the judicial process itself. The only ones who can jeopardize this process are the police critics led by Al Sharpton, who is trying 'to deny our police officers their civil rights and due process.' Still, Mr. Palladino is optimistic ('but in the end, a grand jury will hear the evidence and they'll come to a decision').

The vocabulary used to convey the need for fairness is much less emotional than the police critics' emotive rhetoric, yet it is also less 'controlled' and more playful and descriptive than the rhetoric exercised by the NYPD, providing more insight into the positioning of the police defenders in the debate. Moreover, the rhetoric towards the judicial system is not as harsh and uncompromising as the police critics' word choice is. The only harsh and uncompromising words used are those directed towards Al Sharpton.

The police defenders' optimism continues during the grand jury trial, early 2007:

***During the grand jury process (January–March 2007)***

Mr. Karasyk on the City Council hearing during which members questioned Commissioner Raymond W. Kelly on diversity in the Police Department, standards for undercover operations and perceptions of the police's unequal treatment of black New Yorkers (January 2007):

Philip E. Karasyk, a lawyer for one officer involved, a 28-year-old undercover detective who fired first, **criticized the Council's decision to hold the hearing.**

"The timing of today's City Council hearing as well as the so-called town hall meetings is an **unprincipled and pernicious attack** on the integrity of the grand jury process," he said. "The **sole effect** is to deny **these police officers a fair and impartial grand jury investigation.**"<sup>121</sup>

Mr. Lynch on Officer Carey's grand jury testimony:

**"We're pleased that today has come where we have the opportunity** for this police officer to go out and tell his side of the story: the thoughts he had at the time, the facts that he dealt with out in the street that night."<sup>122</sup>

Mr. Martin on Detective Cooper testifying before the grand jury:

**“We do feel confident that the grand jurors will give him a fair shake,** as they will all the subject officers and detectives in this matter,” Mr. Martin said. **“We’re confident** that after considering all the evidence that will be posed to them, my client and all the other officers will be exonerated.”<sup>123</sup>

Mr. Martin on the grand jury trial:

**“We are cautiously optimistic** about the whole proceeding.”<sup>124</sup>

Again, the optimism and confidence felt by the police defenders towards the proceedings in the judicial arena stand out in the statements above, especially in comparison to the judicial pessimism felt by police critics starting just after the shooting and exacerbated throughout its aftermath. While Mr. Martin is ‘cautiously optimistic’, and confident that the grand jurors will treat his client fairly (first layer of the notion ‘to deserve fairness’, he is also confident that his client will be exonerated (second layer of ‘to deserve fairness’). Mr. Lynch also is still content about the proceedings, saying that he is pleased that his client has the opportunity to speak out.

The only remark that stands out is Mr. Karasyk’s comment on the Council meeting. In this remark, however, Mr. Karasyk is not criticizing the system, but those who are — in his eyes — challenging the system. More specifically, by saying that ‘the timing of today’s City Council hearing as well as the so-called town hall meetings is an unprincipled and pernicious attack on the integrity of the grand jury process’, Mr. Karasyk portrays those who proposed the meeting as perpetrators and the judicial grand jury process itself as a victim. By adding that ‘the sole effect is to deny these police officers a fair and impartial grand jury investigation’, Mr. Karasyk in turn argues that the officers are the victims, as they are part of the grand jury process.

The word choice again lies somewhere in between the police critics’ emotive rhetoric and the fact-based nondescript vocabulary and rhetoric of the NYPD.

This optimism is understandable, as the notion of fairness has not been challenged yet from a judicial point of view or by any external factors. This positive stance towards the judicial process does alter slightly after the grand jury trial:

### ***Just after the indictments (March 2007)***

Mr. Culleton on the indictments:

James J. Culleton, the lawyer for Detective Oliver, said the indictment **“was not unexpected — a grand jury presentation is one-sided.”**

**“I firmly believe that he will be found not guilty,”** he said of Detective Oliver.”<sup>125</sup>

Mr. Palladino on the indictments:

**“I know the grand jury worked very long and very hard** on this particular case. [...] **I respect their decision. However I firmly disagree with the decision** to indict these officers.”

Mr. Palladino predicted that the jury's vote would have a chilling effect on police officers in the city and nationwide.

**"The message that's being sent now is that even though you're acting in good faith, in pursuit of your lawful duties, there is no room, no margin for error,"** he said.<sup>126</sup>

Mr. Palladino after hearing the official charges:

At a news conference after the proceedings, he said the manslaughter charges implied that the officers intended to kill Mr. Bell, which he called **"a chilling message to all of law enforcement."**

**"It's a dark day for our detectives and the NYPD"** he said. **"However, I think it is a good day in that we can finally get involved in the process. Our defense begins today."**<sup>127</sup>

Mr. Martin on the indictments:

**"I am disappointed with the grand jury's decision, but this is just the first stage of a long process,** and I am **confident** that once all the facts are considered by a jury of Detective Cooper's peers that **he will be exonerated** of all charges."<sup>128</sup>

Mr. Worth on the indictments:

Mr. Worth said he got a call from Charles Testagrossa, the prosecutor who presented evidence to the grand jury, who "told me there was no true bill as to my guy."

**"Obviously,"** he said, **"we are gratified by the grand jury's decision as to Mike, and I have always believed that he acted professionally on the night of this incident."**<sup>129</sup>

Mr. Karasyk on the indictments:

Philip E. Karasyk, who represents Detective Isnora, said, "Obviously, my client is upset, and he's looking forward to having his day in court, and we're **all confident** he will be **vindicated**."<sup>130</sup>

An excerpt from the Op-Ed article by Mr. Leuci:

Now we will have the trials the police critics have been calling for. I hope **but have little faith that** they will stop **the angry rhetoric and let the juries make their decisions in peace.**<sup>131</sup>

The cited quotes show how the tone of the communication changes slightly, now that the police defenders' notion of fairness is not met. While Mr. Worth is still 'gratified' with the grand jury's decision, as it is in line with his perception that 'Michael Carey acted professionally on the night of this incident', and thus should not be indicted, the other lawyers and police defenders react less positively towards the judicial process than they did prior to the grand jury decision. Not only are the police defenders disappointed, they also point out apparent flaws, which weren't addressed previously, and they appear to criticize the decision. For instance, Mr. Culleton now points out that the grand jury's decision 'was not unexpected' since 'a grand jury presentation is one-sided'. His sudden criticism has historical dimensions, as will be discussed in Subsection 3.3.2. With this statement, Mr. Culleton pinpoints a flaw in the system, which he had not conveyed prior to the

decision (at least not in the *New York Times*). By saying that ‘we can finally get involved in the process’, Mr. Palladino indirectly pinpoints the same ‘flaw in the system’, although without the historical dimension. More specifically, the word ‘finally’ indicates that he feels that up until that point, he could not be involved in the process, thus showing some reservations about the process that has taken place up to then. Although Mr. Palladino does not criticize the work of the jury itself, he does display his disapproval of their decision, saying that he ‘firmly disagrees with the decision to indict these officers’ and that it is ‘a chilling message to all of law enforcement’. His tone of voice has changed remarkably in this quote, in which the union leader makes use of harsh, emotive and emphatic language to convey his message. Mr. Palladino’s remark also reflects a sense of victimization, similar to that conveyed by police critics when their notion of justice was not met. His remarks that ‘It’s a dark day for our detectives and the NYPD’ and that ‘The message that’s being sent now is that even though you’re acting in good faith, in pursuit of your lawful duties, there is no room, no margin for error’ further underlines this sense of victimization. As spontaneous discourse, his remark shows how the police feel attacked and unfairly treated by the grand jury’s decision, or phrased differently: they feel victimized. As strategic PR communication, Mr. Palladino’s remark can be seen as ‘emotional blackmail’, which is also in line with the police critics’ responses to unfavorable developments in the judicial process. This emotional blackmail occurs when judicial or other actions that do not match the rigidly defined notion of debate are paired with emotional repercussions. In this, Mr. Palladino’s remark becomes an implicit ‘blackmail’, implying that the police defenders will only be satisfied when all conditions are met, while they are also making threats to the effect that not meeting these conditions can have negative consequences.

The change of tone in the police defenders’ communication thus gives more insight into the delimitation of the notion of ‘fairness’. Although the process itself is perceived as fair (yet the police defenders suddenly attribute a flaw to it), the grand jury decision is not. Thus, while the first layer of the desired outcome of debate is to a certain degree still met, the second layer is not.

The statements also tell something about the ardency and zeal by which police defenders will continue their fight for fairness. For that matter it is still ‘a good day’ for Mr. Palladino. The ‘fight for fairness’ must go on, as it has not yet been achieved.

On a rhetorical level, the tone of voice changes too. Most quotes listed above contain emotional elements, describing in harsh words the magnitude by which the charged officers are treated unfairly.

Although the police defenders change their tone of voice after the indictments, it is important to note that the grand jury’s decision does not result in an evaporation of respect for the legal system, as the acquittals did for the police critics. By saying that ‘the grand jury worked very long and very hard on this particular case’ and that he ‘respects their decision’, Mr. Palladino shows understanding for a delineation and outcome of debate that is not his own. His firm statements comprising emotional

blackmail, however, diminish to a certain degree the effect of his coalition-oriented discourse. Yet the judicial pessimism conveyed by police critics is never met by the police defenders. The overall tone in the statements above for that matter remains optimistic in regard to the future judicial proceedings. Mr. Palladino, for instance, continues to be positive by saying that ‘it is a good day in that we can finally get involved in the process’, while Mr. Martin says that ‘it is just the first stage of a long process’. The confidence police defenders share in the eventual outcome of the trial (‘I firmly believe that he will be found not guilty’, and ‘we’re all confident he will be vindicated’) also underlines this optimism. This confidence does not extend beyond the criminal justice system. In his Op-Ed, Mr. Leuci does not trust (‘I hope, but have little faith in’) external groups (‘they’) who are using unfair methods (‘angry rhetoric’) that are obstructing the justice system (‘let the juries make their decisions in peace’).

After the indictments, the volume of communication does not decrease, as it did with the police critics. An explanation for this is that the police defenders tried several times in various court appearances to change the judicial conditions for the trial. The new rulings resulting from these court appearances by themselves challenge the notion of fairness held by the police defenders:

### ***In between the indictments and the trial***

Excerpt from a biographic *New York Times* article on the background of Mr. Culleton (April 2007):

He [Mr. Culleton] **vents against the grand jury** that indicted his client on manslaughter, assault and reckless endangerment charges despite his voluntary and, in Mr. Culleton’s opinion, contrite testimony. (That only **three of the five officers who fired their guns** were indicted also strikes him as **inconsistent**.)<sup>132</sup>

Mr. Palladino on negative media reports at one of the court hearings (April 2007):

Mr. Palladino, however, said the [media] reports [that Detective Oliver spent \$4,000 on a dinner] had the potential to infect a jury pool.

**“There is a foundation that this country was built upon, of due process and innocent until proven guilty,”** he said. **“That foundation has been weakened** and may have been **compromised.**”<sup>133</sup>

Mr. Kartagener on the refusal of Judge Cooperman to dismiss charges against three detectives (September 2007):

Steven R. Kartagener, who is representing Detective Oliver, said the judge’s **refusal to dismiss the charges** was a **disappointment, but no surprise**. It represents “no factual decision as to who should be believed here, or what the truth of the situation actually is,” he said.<sup>134</sup>

Mr. Palladino on the motion filed by the officers’ lawyers requesting that the trial be moved out of New York City (January 2008):

Michael Palladino, president of the Detectives’ Endowment Association, which represents the three defendants, said **a fair trial in Queens was impossible**.

**“The negative publicity and the antics of Al Sharpton and others have created a situation where the right to a fair trial is in jeopardy,”** he said.<sup>135</sup>

Mr. Palladino on the court ruling not to change the venue (January 2008):

Michael Palladino, president of the Detectives’ Endowment Association, said **he was dismayed by the ruling**.

“Both the evidence and our arguments were powerful and had merit,” he said. **“However, the court has spoken,** and we will prepare for trial in Queens. Neither innocence nor guilt of our detectives was decided today.”<sup>136</sup>

The quotes above show how the police defenders are having less confidence in the judicial system and towards other stakeholders in the debate, now that their conditions for fairness are repeatedly not met. Mr. Culleton allegedly ‘vents against the grand jury that indicted his client on manslaughter’ (a *New York Times* depiction of what happened), while Mr. Kartagener says that the judge’s refusal to dismiss the charges was a ‘disappointment, but no surprise’. The fact that the decision was ‘not a surprise’ to the lawyer shows his belief in the system and/or those representing the system is decreasing. In addition, it exposes the historical dimensions of this belief, as discussed in Subsection 3.2.2. Mr. Culleton, in turn, argues that the grand jury was inconsistent by indicting ‘only three of the five officers’.

Mr. Palladino, in turn, is ‘dismayed’ by the ruling not to change the venue (also a *New York Times* depiction) and is even more outspoken in conveying his pessimism, by saying that the ‘foundation that this country was built upon [...] of due process and innocent until proven guilty [...] has been weakened and may have been compromised’. However, he directs his criticism not so much at the system itself, but at the media (in his eyes a detractor) and other police critics. The vocabulary used is emotional, harsh and emphatic. For instance, by referring to the ‘foundation that this country was built upon’, Mr. Palladino uses an emphatic allegory to describe the judicial process, pinpointing ‘what is at stake’. The victim in this sense is the judicial system, while the perpetrators are the police critics. Yet because the police are dependent on this judicial system, they become the potential victims too, as Mr. Palladino makes even clearer in two other quotes: ‘The negative publicity and the antics of Al Sharpton and others have created a situation where the right to a fair trial is in jeopardy’ and ‘a fair trial in Queens is impossible’.

Yet again, the new rulings did not result in an ‘evaporation of respect’, as the acquittals did to the police critics. Mr. Palladino’s factual remark ‘However, the court has spoken’ is emblematic for that matter, as it shows that the union leader still defers to the ruling and those who made it.

During most of the trial, the *New York Times* does not quote the lawyers on the delineation of debate. Only police defenders outside of the courtroom are quoted:

### *At the beginning of the trial (February 2008)*

*New York Times* article on people who were at the court house:

Steven McDonald, a former New York City police officer who was paralyzed from the neck down in 1986 when a 15-year-old boy, Shavod Jones, shot him three times, showed up in his motorized wheelchair. He said he planned to attend the trial as often as possible.

“It’s a dangerous job,” he said. “Nobody knows that better than I do. **I want those men to be cleared of all these charges and return to their lives and live them out in peace.**”<sup>137</sup>

Mr. McDonald’s remark refers to the second layer of the desired outcome of debate, and moreover, shows the zeal to fight for this.

In their closing arguments, the lawyers do speak out again on the notion of fairness and how they fear it is being challenged:

### *At the end of the trial (April 2008)*

A *New York Times* excerpt from Mr. Culleton’s closing arguments:

Mr. Culleton criticized prosecutors for allowing witnesses like Mr. Coicou to make statements to the grand jury in 2007 that he said they knew contradicted what the witnesses had told the prosecutors earlier in interviews, like the reference to the “gat.”

“That’s not **how you’re supposed to try cases**,” Mr. Culleton said, “**in my opinion.**”<sup>138</sup>

A *New York Times* excerpt from Mr. Martin’s closing arguments:

Paul P. Martin, who represents Detective Cooper, said the detective was justified in firing four shots at Mr. Bell’s car because he thought he himself was under fire, even though he did not see anyone shooting and he described his position in grand jury testimony as unbalanced.

[...] He said convicting Detective Cooper of reckless endangerment would send the wrong message to **all police officers**.

“What **they’re** saying is, ‘**Don’t take your gun out until you go out in the country,**’ [...] ‘Detective Cooper, wait until you are more balanced.’ Next time, you’re dead. That’s what they’re asking for.”<sup>139</sup>

In the first quote, Mr. Culleton again criticizes the police critics for unfairness. His remark ‘That’s not how you’re supposed to try cases’ for that matter relates to playing ‘contrary to the rules of a game’. His statement relates to the first layer of the police defenders’ desired outcome of debate, in that the officers deserve a fair trial. Conversely, Mr. Martin’s remark does not relate to the first layer, i.e. ‘equal treatment of people’ but to the second: ‘just and appropriate according to the police defenders’. In his statement, he warns what could happen if such just and appropriate treatment does not take place (‘Next time, you’re dead. That’s what they’re asking for’). The vocabulary used to express this scenario is harsh and emphatic, exacerbating the schism between the perpetrators ‘they’ and the victims: in the first place ‘Detective Cooper’ but ultimately ‘all police officers’. The label ‘the implicated officers deserve fairness’ is thus extended to ‘all police officers deserve fairness’. In

addition, his warning can again be categorized as an example of emotional blackmail. The identity behind the perpetrator in this case remains to a certain degree unclear. In the first place, ‘they’ refers to the prosecutors, who are saying that the three detectives should be held criminally accountable. In a broader sense, ‘they’ refers to all of those who agree with the prosecutors, in this research labeled as the ‘police critics’. As the consistency of the group of police critics is both flexible and dependent on the subjectivity of perceptions (the media, for instance, are police critics too, according to Mr. Culleton), hypothetically even Judge Cooperman could become a ‘police critic’ and thus a potential perpetrator, if he convicts the implicated officers (‘Next time you’re dead. That’s what they’re asking for’). The flexible boundaries of ‘they’ will be discussed further in Subsection 3.3.2.

After the acquittals, the rhetoric and the tone of voice changes again:

#### *After the acquittals (April–May 2008)*

Mr. Palladino on the acquittals:

At the news conference, Michael J. Palladino, the president of the Detectives’ Endowment Association, **lashed out at critics of the Police Department and of the three detectives**. He said the district attorney’s office had omitted critical information when they presented the case to the grand jury, which indicted the three detectives. Mr. Palladino also **leveled criticism at Mr. Bell’s friends Trent Benefield and Joseph Guzman**, who were both gravely injured in the shooting, and who testified during the trial.<sup>140</sup>

Mr. Palladino and Mr. Sharpton on the departmental charges filed against the detectives:

The Rev. Al Sharpton, who has been a spokesman for the Bell family and has protested the acquittals, called the charges “a step in the right direction.” But he drew a parallel between the Bell shooting and the recent beatings of three suspects by the police in Philadelphia, which was caught on videotape.

He urged Mayor Michael R. Bloomberg and Police Commissioner Raymond W. Kelly “to follow the lead of Philadelphia Mayor Michael Nutter and Police Commissioner Charles Ramsey, who fired four police yesterday, demoted one sergeant, and disciplined others, without going through a long internal procedure.”

Michael J. Palladino, president of the Detectives’ Endowment Association, shot back that the **“Rev. Al needs to be reminded that all of the detectives were found not guilty in a court of law.”** He said the union would **“vigorously represent our detectives in the department’s trial room.”**<sup>141</sup>

Mr. Karasyk on the departmental charges filed against the detectives:

Philip E. Karasyk, a lawyer for Detective Isnora, said the department **rushed to file charges** that he said “are often dismissed or amended.” He added: “The charges that have been served today have been **drawn up without the benefit of hearing what the officers have to say.**”<sup>142</sup>

Mr. Arlia on the current ‘modified duty’ status of Detective Headley:

John Arlia said his client **“is cautiously optimistic that he and his fellow officers** will be cleared after any additional scrutiny.”<sup>143</sup>



The quotes above first show how the subtle criticism expressed by police defenders towards the system has made way for the initial optimism and trust in the functioning and value of the system ('all of the detectives were found not guilty in a court of law'), now that the conditions for both layers of the desired outcome of debate are largely met. Yet the police defenders continue to express their anger and disagreement towards those that challenge the system by using unfair criticism and methods, as this still conflicts with their notion of 'fairness'.

In Mr. Palladino's first quote, these 'external factors' include Al Sharpton and the witnesses, but also the District Attorney's office. This criticism shifts from the DA's office to the New York Police Department itself, when the department announces it has filed departmental charges against the officers. The departmental process itself, however, is again viewed with a degree of confidence ('cautiously optimistic').

Some of the rhetoric is harsh and accusing, and the referral to the 'Rev. Al' is even mocking. The rhetoric also shows the zeal with which the officers are vigorously continuing their fight for fairness.

### **Summary**

This subsection has demonstrated how police defenders share a rigid notion of the desired outcome of debate, initially formulated as 'the implicated officers deserve fairness'. However, as the subsequent analysis demonstrated that the notion applies not only to the implicated officers but also to the police at large, the desired outcome of debate is hence best captured in the label 'All police officers deserve fairness'.

The rigidity of the definition for the desired outcome of debate is intricately entwined in the police defenders' communication, as the police defenders at first glance leave unsaid what they actually mean by 'fairness'. While the dual-layered desired outcome of debate on a superficial level is broadly delimited, as fairness can refer to the American value of 'equal treatment within the criminal justice system of all people involved', on a deeper level it refers more rigidly to just and appropriate treatment of merely the implicated officers and the police at large, both in and outside of this trusted system. The notion 'just and appropriate', in turn refers not so much to a 'consensus opinion' held by all stakeholders involved, but to the opinions held by police defenders, implying that the officers should be exonerated and that they should not be (unfairly) criticized. In addition, this deeper layer also refers to the current state of unfairness caused by the unfair criticism, methods and motives conveyed and held by those who criticize the police and thus inflict damage on the criminal justice system, the implicated police officers, and ultimately all police officers.

Although there is no clear-cut label that captures both a prerequisite for the debate to be resolved, and the zeal by which this prerequisite is sought, like the label 'No justice, no peace' does, the police defenders are almost as determined to achieve their desired outcome of debate as the police

critics. However, this is conveyed more subtly. While the rigid definition of ‘deserving fairness’ delimits the playing field in which negotiation can take place, the emphatic and emotive rhetoric shows the harsh character of these negotiations as well as the zeal to continue the fight.

The scope, dynamics and characteristics of the desired outcome of debate become more apparent at times when this outcome is challenged during the aftermath of the shooting. Although the police defenders show confidence in the criminal justice system itself (in contrast to the police critics), cracks in this confidence appear when those who are part of the criminal justice system make decisions that oppose the second layer of the desired outcome of debate. Conversely, those permanently critical of the implicated officers and the New York police in general — referred to in this research as ‘police critics’ — are denounced, criticized and mocked on a continual basis — a pattern that intensifies at times when the desired outcome of debate is severely challenged.

The specific outcome of debate conveyed by police defenders is a product of the broader interpretative patterns discussed in the previous section, just like ‘Justice for Sean Bell’ is. The two key components of the label ‘All police officers deserve fairness’ relate to different aspects of the interpretative framings discussed. To start with, the ‘to deserve’ component relates to the self-centered interpretative framing delineated by the concerns, feelings, thoughts and previous experiences of the implicated officers. In turn, the second layer of the desired outcome of debate, i.e. exoneration of officers and putting a halt to (unfair) criticism, fits within the historic and organic interaction process between police and community that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction. Within this pattern, the police are victims, so they should be exonerated, and in addition not further criticized. Those that criticize the police, in turn, are the perpetrators. This group overlaps with the police defenders’ notion of ‘them’, as will be further explored in the next subsection. In addition, the current fight against unfairness and victimization is part of the historical and organic pattern of prolonged and profound unfair criticism, methods and motives instigated by police critics and the consequential pattern of police suffering and victimization and a weakening of the criminal justice system. The labels pinpointed in the first section — similar to the perceptions held by police critics — also affect the rigidity of the definitions concerning debate outcome and negotiation space, functioning as a catalyst for ‘us-versus-them’ sentiments, and invigorating the emotional character of the battle for deserved fairness.

The vocabulary used to convey the desired outcome of debate is often harsh, emotive and emphatic, further exacerbating the schism between the perpetrators (‘they’) and the victims. The communication strategies seen so far include emotional blackmail, reiteration and amplification, the latter serving as a method of creating a ‘state of urgency’ (the agenda-setting effect).

### 3.3.2 The delineation of reality: ‘Us-versus-them’ positioning

The rigidly defined dual-layered desired outcome of debate scrutinized in the previous subsection is part of a broader reality, just as the rigidly defined notion of justice is for police critics. This reality is defined by the perceptions and the historical and organic interpretative dimensions discussed in previous sections.

This subsection will examine the borders of this broader reality in a similar way to that shown for the reality held by police critics, first by scrutinizing the scope of the reality itself, then by examining how the police defenders’ notion is challenged by events that take place in the aftermath of the Sean Bell shooting, and finally, by examining the demarcation line between different realities.

This analysis can provide insight into the degree of pliability by which the police defenders position themselves in the debate and whether they search for a common ground between their own reality and those held by other stakeholders in the debate.

#### **The rigid definition of reality: a single version of the truth**

When looking at the discourse that gives more insight into the scope of the reality held by police defenders, it is striking how this group lays such emphasis on ‘the truth’, in a fashion similar to the police critics. This emphasis is mainly communicated by the detectives’ lawyers, but also by Mr. Palladino, who, as a law layman, focuses on the truth, just as Al Sharpton does. The following quotes give insight into the different ways the police defenders delineate ‘the truth’ (i.e. their reality) of what happened on the night of the shooting:

#### ***Just after the shooting (November–December 2006)***

A *New York Times* excerpt on Mr. Palladino’s initial response:

Michael J. Palladino, the president of the Detectives’ Endowment Association, **insisted** that deadly force was being used against the detectives, which could have justified their response.<sup>144</sup>

Mr. Worth on deciding whether or not to testify before the grand jury:

“We’re keeping our options open,” Mr. Worth said. “**The truth is the truth**, and it’s really a matter of **when it will come out**. It may be at the grand jury. It may be talking to investigators.”<sup>145</sup>

#### ***Before the grand jury process (January 2007)***

Mr. Karasyk on meeting the prosecutor with Detective Isnora:

“The questions were **detailed and thorough**,” said Philip E. Karasyk, who represents the undercover detective, whose name has not been publicly disclosed. He is one of four detectives and one police officer who fired their weapons in the Nov. 25 shooting, which killed an unarmed man, Sean Bell, 23, outside a Jamaica nightclub hours before his wedding.

“We answered **each and every one accurately**, and we did so without requesting or being granted any immunity” from prosecution based on his answers, said Mr. Karasyk, who accompanied the detective along with his partner, James Moscella. He has said his client will testify in front of a grand jury.<sup>146</sup>

### *During the grand jury process (March 2007)*

Mr. Palladino speaking about the conduct of the officers during the grand jury trial:

“My position is today what it was from the beginning,” he said. “Although it is **a tragic set of events, it does not** rise to the level of criminality.”<sup>147</sup>

Mr. Lynch on Officer Carey’s grand jury testimony:

Mr. Lynch said he was happy that Officer Carey could finally speak about the shooting, to “**put some facts** to some of the **fiction** that ran in the street.”

“We’re pleased that today has come where we have the opportunity for this police officer to go out and tell his side of the story: the thoughts he had at the time, **the facts that he dealt with out in the street that night**,” Mr. Lynch said.<sup>148</sup>

Stephen C. Worth, the lawyer for Officer Carey on his grand jury testimony:

“This officer stood there **and answered all of their questions**.”<sup>149</sup>

### *After the indictments (March 2007)*

An excerpt from the Op-Ed article by Mr. Leuci:

In practically every police shooting there are two views: the way it looks and the way it really is. Still, one fact will always remain — shootings **are always tragic**.<sup>150</sup>

### *In between the indictments and the trial*

A New York Times interview with Mr. Culleton:

“All it’s really doing is poisoning a potential jury pool. I can understand why people might be startled at the 31 shots, but where he eats dinner, what he looked like when he was 15, whether he bought a condo in Jersey near his mother: that’s irrelevant to **the facts of this case**. We’re behind the eight ball before we even begin.”<sup>151</sup>

Mr. Karasyk after a brief court hearing:

“When this guy gets up there and he tells his story, **I just do not believe** that 12 fair-minded people are going to say **he was unreasonable to believe he was about to be shot at**,” Mr. Karasyk said.<sup>152</sup>

What is striking in the statements above is how the police defenders lay emphasis on the ‘truth’ and ‘the facts’. They do this in direct but also more subtle ways. While statements such as ‘the truth is the truth’ and ‘put some facts to some of the fiction that ran in the street’ are obviously direct references, the dogmatic assertions such as ‘it does not rise’ and ‘they’re not criminals’, as well as the emphatic ‘insisted’ indirectly show how the police defenders emphasize the truth as to what happened the evening Sean Bell was shot. Another more subtle focus on ‘the truth’ is Mr. Karasyk’s remark that he

does not believe ‘that 12 fair-minded people are going to say he was unreasonable to believe he was about to be shot at’. By saying this, he links the dual-layered desired outcome of debate, as discussed in the previous subsection to ‘he was unreasonable’, thus indirectly implying that the detective must have been reasonable (the truth), since fair-minded means ‘impartial’ and ‘just’. A third subtle way of focusing on the truth is by emphasizing the ‘accuracy’ of the testimony given by the defendants in response to ‘detailed’ questions. With this subtleness, the police defenders are indirectly arguing that their (presented) reality is the only ‘accurate’ or ‘truthful’ one.

By placing such a heavy emphasis on ‘the truth’, police defenders simultaneously delimit this truth. More specifically, the statements above recurrently show a notion held by police defenders that there is only one version of what happened, and that any other version would be untruthful. The use of categorical assertions such as ‘shootings are always tragic’ and dogmatic ones such as ‘it does not rise’ not only show a focus on the truth but also the delimitation of this truth, while emphatic reiterations such as ‘the truth is the truth’ (which is also a dogmatic assertion) highlight the insistence on only one truth. The focus on ‘the facts’ and the ‘truth’ thus is also a way to shield from other truths. For that matter the police defenders’ responses resemble the reaction of police critics such as William Bell:

*During the trial (Spring 2008)*

William Bell on evidence presented by the defense lawyers:

**“Any excuse they try to come up with or whatever, it’s no good to me,” he said. “I don’t want to hear it. My son is dead. Let’s talk about that.”**<sup>153</sup>

By focusing on ‘the truth’ and ‘the facts’, police defenders ‘don’t want to hear’ other versions of ‘the truth’, just like Mr. Bell.

In addition, and also similar to the police critics, the police defenders emasculate other versions by labeling them as unreliable. This emasculation occurs either in direct ways (‘the fiction that ran in the street’) or in more subtle ways. For instance, Mr. Karasyk’s remark in which he links ‘12 fair-minded people’ to (not) ‘unreasonable’, implicitly suggests that the truths held by police critics would only be accepted by ‘by 12 dishonest people’. Another example of such emasculation is the quote ‘the truth is the truth, and it’s really a matter of when it will come out. It may be at the grand jury. It may be talking to investigators.’ More specifically, the quote suggests that the police critics’ version of the shooting, which already has ‘come out’, is not the truth.

As previously argued in Part II, Chapter 1, these strategies to a certain degree can be expected from lawyers, although the emphasis on ‘one single version of the truth’ does stand out. The rigidly defined truth that is conveyed in the courtroom can be seen as courtroom rhetoric/strategic PR discourse, as it is obvious that lawyers support their clients fully, and in their defense of clients do not

engage much in communication that seeks common ground concerning the truth of what happened. However, this focus can also be seen as spontaneous discourse.

In a way similar to Al Sharpton, police defenders also position themselves as ‘experts’ outside of the courtroom:

*During the grand jury process (March 2007)*

Mr. Palladino on a new witness, Mr. Jeffers:

Michael J. Palladino, the president of the Detectives’ Endowment Association, said he had been told that the new witness testified yesterday. He said: “I don’t know what he said. I don’t know what impact it ultimately will have on the grand jurors, but it was **imperative that he go before the grand jury and explain to them the information that he has.**”<sup>154</sup>

*After the indictments (March 2007)*

Mr. Palladino speaking about the initial claims made by Mr. Jeffers while simultaneously questioning Sean Bell’s conduct:

**“If you’re not guilty of something, and there’s no gun in the car, then why not stop the car?”**<sup>155</sup>

Excerpts from the Op-Ed article by Mr. Leuci:

**Here is what we know.**

[...] In the street, the undercover officer walked over to where Mr. Guzman, Mr. Bell and two others [*sic*] sat in Mr. Bell’s car. The officer was wearing his shield on a chain around his neck. He identified himself, saying, “Let me see your hands.”

Using the car as a 3,000-pound weapon, Mr. Bell hit the accelerator, clipped the undercover officer and then, according to witnesses, twice tried to run the officer down. Then the car slammed into an unmarked police van. At some point, the officer fired his weapon. The other officers, believing they were under attack, also fired their guns, eventually unloading 50 rounds and killing Mr. Bell.<sup>156</sup>

*During the trial (March 2008)*

Mr. Palladino on the discovery of small marijuana bags found near the shooting site that were allegedly dropped by one of the victims:

Outside court, Michael J. Palladino, the president of the union that represents the detectives, said that if the marijuana belonged to Mr. Benefield, **“then it’s indicative of the fact that he knew”** that those firing were the police. He added, **“If you’re running from anybody else, or you were running from carjackers, you wouldn’t be concerned with throwing your marijuana.”**<sup>157</sup>

In the statements above, it is striking how Messrs. Palladino and Leuci are applying the same techniques as the lawyers to present the same rigid notion of truth. While Al Sharpton — in his manifestation as an ‘expert’ in the debate — conveyed his rigidly defined truth that the police are to blame for the incident, Mr. Palladino, and Mr. Leuci are conveying the exact opposite, questioning the

honesty and conduct of the three victims, but also presenting their own reality as the truthful one ('Here is what we know'). Their statements are rigidly defined for that matter, as they do not seek common ground.

The delineation of guilt (and related matters, such as racial motivation), already manifest in the labels 'A matter of seconds' and 'A tragic set of events', and part of the broader historical and organic framings, in itself is rigidly defined and does not seek common ground, as the following quotes demonstrate:

*Just after the shooting (November 2006)*

A *New York Times* excerpt on the lawyers' decision to let the implicated officers speak to the prosecutor:

**In a move that suggests the officers feel their actions were justified**, the lawyer representing the men said he had contacted Mr. Brown's office and offered to have the officers speak to prosecutors and appear before a grand jury voluntarily without immunity. The police have not released the officers' names, saying they are trying to protect them from retaliation or harassment.

Philip E. Karasyk, who is a lawyer for the Detectives' Endowment Association, said, "**We feel confident that once all of the facts and circumstances of this tragic incident are known, then our detectives will be exonerated.**"<sup>158</sup>

*Just before the grand jury process (January 2007)*

Mr. Martin on plans for Detective Cooper to testify before the grand jury:

Paul P. Martin [...] said his client would testify before the grand jury. "My client's actions **were reasonable** under the circumstances and justified," he said.<sup>159</sup>

*During the grand jury process (January–March 2007)*

Mr. Palladino, on the disclosure of the officers' photos:

"The photos of the officers **indicate** that racism had **absolutely nothing** to do with this shooting. [...] The photos **nullify** the racism aspect of the shooting because at least three of the five officers are people of color."<sup>160</sup>

A *New York Times* excerpt on Mr. Karasyk:

Detective Isnora's lawyer, Philip E. Karasyk, said that the officers' actions **did not rise to the level of a crime**. "I am hopeful that the grand jurors, now having **heard all of the evidence**, **have realized** that none of these officers intended to injure or kill anyone that night," he said.

"You **need far more** culpability, far more intentional conduct, to make something criminal and there is **no way under any version of events** that these officers intended to injure anyone or kill anyone," he said. "Nor did their actions rise **in any way** to the level of recklessness or depraved indifference."<sup>161</sup>

Mr. Palladino on the suggestion by police critics that the shooting was racist:

Three of the officers involved in the shooting are black and two are white. Mr. Palladino seized on that fact to say, “**It would be unfair** to characterize the shooting, in any fashion, as racially motivated.”<sup>162</sup>

### *Just after the indictments (March 2007)*

Mr. Karasyk on the indictments:

“Obviously, my client is upset, and he’s looking forward to having his day in court, and we’re **all confident** he will be **vindicated**.”<sup>163</sup>

A *New York Times* excerpt:

The wait was a somber one, said Philip E. Karasyk, who represents Detective Isnora. “There is **nothing** more heart-wrenching than to see a police officer put through the system, especially one **who didn’t do anything wrong**,” Mr. Karasyk said.<sup>164</sup>

### *In between the indictments and the trial*

Excerpt from a biographic *New York Times* article on the background of Mr. Culleton:

[...] Mr. Culleton, who was an assistant Bronx district attorney in Mario Merola’s office from 1973 to 1985, has a special philosophy about the merits of police officers as clients: “**I think they’re easy to defend, because they’re not criminals**.” Not as a rule. “I don’t think there’s a lawyer alive who could say ‘I only represent innocent people.’ That would be a stretch.” **But Detective Oliver? “Innocent.”**<sup>165</sup>

### *After the acquittals (April–May 2008)*

Mr. Lynch on the departmental charges filed against the detectives:

Patrick J. Lynch, president of the Patrolmen’s Benevolent Association, defended Officer Carey, saying the department would find that he “**acted fully within the scope of his duty and the guidelines of the department**.”<sup>166</sup>

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

Since no gun was found in the vehicle, it is clear that the police officers made a tragic mistake. They even violated department guidelines, which prohibit using deadly force against someone in a vehicle unless he is threatening an officer’s life by means other than the vehicle, such as firing a gun at the same time. **But in the end, what they did was not criminal.**

When police officers are cleared of charges in a tragedy like the Bell shooting, or that of Amadou Diallo in 1999, **critics will look elsewhere to assign blame. A common claim is that if the officers aren’t to blame, the fault must lie in their training. This is nonsense.**

[...] But this case **was not about** manslaughter or any other crime. It was about whether the judge believed Detective Isnora when he told the grand jury that he felt his life and the lives of his team members were at stake.<sup>167</sup>

In the statements above, the police defenders present an uncompromising reality regarding the guilt of the police officers, as well as regarding related matters such as racial motivation, in which no other interpretations, perceptions and viewpoints are admitted regarding culpability for the shooting. They do so in several ways. First, they use uncompromising words and word combinations such as ‘to



nullify’, ‘no way under any version of events’, ‘fully’, ‘in any way’, ‘absolutely nothing’, ‘in any fashion’ and ‘this is nonsense’ that leave no opening for other interpretations of the events. The rhetorical question ‘But Detective Oliver? Innocent’ has a similar effect. They also express ‘confidence’ that ‘the facts’ (i.e. the reality held by the police defenders) will prove their innocence in court, thus saying that their reality is the only truthful one. The word ‘confidence’ does not only delineate the police defenders’ notion of fairness (‘confidence in the criminal justice system’), it also delimits their reality. Mr. Palladino, in turn, again uses the concept of ‘fairness’ to say that the shooting was not racially motivated. Other interpretations are thus ‘not based on or showing fairness’ or simply put: unjust. Similarly, Mr. Karasyk says he hopes that the grand jurors ‘now having heard all of the evidence, have realized that none of these officers intended to injure or kill anyone that night’, again implying that their evidence (i.e. their reality) is the only truthful one. The word ‘realize’ is interesting, as it suggests that Mr. Karasyk believes the grand jurors (i.e. ‘they’) do not realize it yet at that moment, showing how others do not understand the reality held by police defenders. Mr. Karasyk’s use of the emphatic and emotional word ‘heart-wrenching’ further underlines the unfairness and the sense of victimization as a consequence of this.

Unlike police critics and the NYPD, police defenders do not offer any solutions to improve police–community relations in their responses to the Sean Bell shooting. This fits within their self/police-centered interpretative framing dominated by the concerns, feelings, thoughts and previous experiences of the implicated officers. In addition, they do not respond to the solutions suggested by police critics in reference to the Sean Bell shooting. However, when proposed solutions materialize and are actually implemented by the NYPD, the police defenders do speak out. An example of this is the police defenders’ reaction to the NYPD’s decision, as a direct result of the Sean Bell shooting, to adopt sobriety test measures. The following *New York Times* excerpts depict the police defenders’ response:

***After the NYPD sobriety test proposal (June 2007)***

A *New York Times* excerpt:

The New York City Police Department is moving to require officers to take breath tests for alcohol if they shoot someone and to undergo a psychological screening when they become candidates for undercover work, Commissioner Raymond W. Kelly announced yesterday. Both measures are among the recommendations of a panel created after a Queens man was fatally shot in November in a volley of 50 bullets fired by officers.

[...] The new procedures would be the first substantive changes to the way the Police Department operates since the Queens man, Sean Bell, 23, was killed while leaving a strip club in Jamaica on Nov. 25, the morning of his wedding.

[...] Four of the five officers involved in the shooting are detectives, and the union that represents them criticized the breath test recommendation, saying such a measure — which would apply to all police officers — was subject to collective bargaining.

[...] Albert W. O’Leary, a spokesman for the Patrolmen’s Benevolent Association, which represents 23,000 rank-and-file officers, said the union had no comment on the recommendations. But the breath test idea was immediately criticized by Michael J. Palladino, president of the Detectives’ Endowment Association.

**“I would challenge that,”** Mr. Palladino said of the breath tests. **“I think it is a mandatory subject of collective bargaining, so if the department chooses to just unilaterally impose that, I would challenge that in the appropriate arena, whether that is in the Office of Collective Bargaining or State Supreme Court.”**

Mr. Palladino said the unions also were “taking a look” at the 18 other recommendations on the list announced by Mr. Kelly.<sup>168</sup>

A second *New York Times* excerpt, one day later:

The Police Department and leading police unions might be headed for a showdown over a proposal to administer sobriety tests to officers who shoot someone on or off duty.

Police Commissioner Raymond W. Kelly said on Monday that he was moving to require breath tests for officers who injure or kill people in shootings, and his aides said yesterday that the procedure could be put in place, perhaps by September, whether labor groups agreed or not. The aides said the department’s senior legal expert had vetted “the legal issues involved” and “concluded that such a policy would be constitutional.”

But Patrick J. Lynch, the president of the Patrolmen’s Benevolent Association, which represents 23,000 officers, said the proposal was, on its merits, **the kind of work rule that is subject to bargaining**. **“The PBA will not allow management to cast doubt on every shooting by subjecting a police officer to a test for which there is no cause or justification,”** he said.

Michael J. Palladino, the president of the Detectives’ Endowment Association, which represents 5,500 detectives, vowed **yesterday to go to court to stop any breath tests**.

The unions could raise the issue with the city’s Office of Collective Bargaining. A spokesman for the office declined to comment.<sup>169</sup>

Both *New York Times* excerpts show how police defenders contest the proposed sobriety test measures offered by the NYPD. Although they do not provide much detail on why they oppose the measures, the statements do show how the police defenders interpret the solutions from a self/police-centered interpretative framing dominated by the concerns, feelings, thoughts and previous experiences of the implicated officers and the police defenders. For example, by saying that ‘the PBA will not allow management to cast doubt on every shooting by subjecting a police officer to a test for which there is no cause or justification’, Mr. Lynch merely looks at the concerns of the officers, ignoring the police critics’ reality that ‘the police have a community relations problem’ and therefore ‘have to get their grades up’ and implement ‘significant changes’. The police defenders’ positioning in dealing with solutions is thus rigidly defined, similar to the positioning of police critics. More specifically, while the police–community solutions offered by police critics were solely directed towards the police officers, the police defenders refute the proposed measures solely by looking at the concerns of the police officers. Thus, similar to police critics, police defenders do not seek common

ground in the presented solutions to improve police–community relations, either by ignoring them, or by refuting them.

### **Challenging reality**

The rigidly defined reality held by police defenders is challenged by other stakeholders throughout the aftermath of the Sean Bell shooting. The nature of these challenges is different from that of the challenges posing a threat to the reality held by police critics. While the police critics’ reality is challenged only at designated points in the aftermath by counter-evidence and counter-criticism, the reality held by police defenders conversely is defied almost continuously, as the entire judicial process is a challenge to the police defenders’ conception that the implicated officers are innocent. The following discussion of ‘reality challenges’ for that matter shows a slight overlap with the discussion of critical moments in the development of the notion ‘all officers deserve fairness’. Yet while the previous subsection focused on the delineation of fairness (i.e. their rigidly defined outcome of debate) and how the police defenders try to obtain this fairness throughout the aftermath of the Sean Bell shooting, the following discussion will examine more broadly ways in which the police defenders react to criticism that contests their notion of truth (i.e. their rigidly defined reality).

In turn, the discussion of perceptions and interpretations has already demonstrated some insight into the way police defenders respond to reality challenges. For instance, the police critics’ label ‘50 shots’ is countered by ‘A matter of seconds’. Also, the allegations made by police critics are countered by the positive characterization of ‘good cops’ within the label ‘Every day is hell for these guys’.

These challenges to the police defenders’ reality started immediately after the shooting:

#### ***At the time of the ‘shopping for justice’ protest march (December 2006)***

A *New York Times* excerpt:

Michael J. Palladino, president of the Detectives’ Endowment Association, also cited Mr. Sharpton’s role in that matter. “I think it’s all about credibility, something the **Rev. Al had forsaken a long time ago in the Tawana Brawley case,**” Mr. Palladino said. **“He’s trying to deny our police officers their civil rights and due process. But in the end, a grand jury will hear the evidence and they’ll come to a decision.”**<sup>170</sup>

#### ***Just before the indictments (March 2007)***

Mr. Palladino quoted on Michael Oliver’s grand jury testimony:

“This detective has been **characterized as a cowboy, and that’s not true and it is unfair,**” said Mr. Palladino, who said that Detective Oliver, like his colleagues, was testifying without immunity. **“This detective is an impeccable officer, has an unblemished record.”**<sup>171</sup>

#### ***In between the indictments and the trial***

Mr. Palladino after a brief court hearing:

Mr. Palladino said the detectives' right to a fair trial had already been **damaged** by "**the acts and antics of people like Al Sharpton**," who led protests of the shooting, and that a change of venue might be necessary.

[...] Mr. Palladino, however, said the [media] reports had the **potential to infect** a jury pool.<sup>172</sup>

The statements above show many similarities with those on how the police critics deal with (counter-) criticism. First, the police defenders question the credibility and motives of those criticizing their reality, just like the police critics do. Harsh and accusatory rhetoric such as 'the acts and antics of people like Al Sharpton' and 'it's all about credibility, something the Rev. Al had forsaken a long time ago in the Tawana Brawley case' seriously questions the trustworthiness of the reverend and those associated with him — the historical dimension of which has been discussed in Subsection 3.2.2. The remarks for that matter not only question the police critics' credibility, they also sully the critics' motives ('He's trying to deny our police officers their civil rights and due process'). The methods used by police critics are also questioned. The police critics' characterization of Mr. Oliver as 'a cowboy', for that matter is considered 'unfair'. In short, the police defenders thus point their finger at the police critics, accusing them of being the perpetrators of unfairness. The police defenders thus link their desired outcome of debate ('fairness') to the reality challenge created by police critics (current state of unfairness).

The police defenders furthermore argue that the police critics' communication strategies have negative consequences: The right to a fair trial has been 'damaged', the jury pool has been potentially 'infected' and the implicated officers 'civil rights and due process' is in danger. These statements show how police defenders respond to counter-attacks by saying that the judicial system, the police officers, and in a broader sense the police defenders, are victimized ('damaged') specifically by police critics. As spontaneous discourse, this display of victimization shows the effect criticism has on the feelings of police defenders. As strategic PR discourse, the victimization is a form of emotional blackmail, saying that criticism by police critics should be thwarted as it hurts the detectives and the judicial system.

This pattern continues after the indictments, when the reality of the police defenders is challenged by the entire judicial process itself, and by the police critics specifically:

### ***In between the indictments and the trial***

Excerpt from a biographic *New York Times* article on the background of Mr. Culleton:

**"I'm not looking to try this case in the newspapers, but the pretrial publicity seems to be surpassing even what we had in Diallo, and it all seems to be focused on my client,"** he says. All it's really doing is **poisoning a potential jury pool**. I can understand why people might be startled at the 31 shots, but where he eats dinner, what he looked like when he was 15, whether he bought a condo in Jersey near his mother: **that's irrelevant to the facts of this case. We're behind the eight ball before we even begin."**

[...] He vents against the grand jury that indicted his client on manslaughter, assault and reckless endangerment charges despite **his voluntary and, in Mr. Culleton's opinion, contrite testimony**. (That only three of the five officers who fired their guns were indicted also strikes him as **inconsistent**.)

He vents against a cadre of **social activists trying to put a racial spin on the chain of events that occurred outside Club Kalua, where the shooting took place**.

And, most vehemently, he vents against a **smear campaign** (his words for it) **masquerading as investigative journalism** that appeared recently in the *New York Post* and the *Daily News*. The *News*, **adding insult to injury, misspelled his surname on Sunday and, according to him, quoted him out of context**. He describes the articles' thrust as "**character assassination of my client for the purpose of selling newspapers**."

He said **neither he nor his client was aware of a reported \$10,000 settlement in the cabbie incident**, but he **dismissed** it as a **nuisance suit**. He reiterated that in **600 career arrests, Detective Oliver had never fired his weapon**.<sup>173</sup>

A *New York Times* excerpt on the arrest of Trent Benefield for allegedly hitting his girlfriend (September 26, 2007):

The lawyers for the three detectives indicted in Mr. Bell's death said Mr. Benefield's arrest was certain to hurt him as a prosecution witness in the trial. The lawyers said that any injuries he might claim from the shooting clearly did not prevent him from attacking Ms. Page-Walthrus, and that, coupled with his suspended license, Mr. Benefield's actions show a **disrespect for the law**.

The incidents "involving moral turpitude will **have a negative impact upon his credibility at trial**," said John Arlia, a lawyer for one of the detectives, Paul Headley. Detective Headley was one of five officers who shot at Mr. Bell's car, but he has not in fact been indicted or charged.<sup>174</sup>

A *New York Times* excerpt on the motion filed by the officers' lawyers requesting that the trial be moved out of New York City (January 2008):

Lawyers for three police detectives charged in the fatal shooting of an unarmed man in Queens in 2006 filed a motion yesterday requesting that the trial, scheduled to begin next month, be moved out of New York City, saying publicity has "**incurably poisoned**" the pool of prospective jurors.

[...] "From **the very outset of this case**, which has become known as '**the Sean Bell Case**,' or '**the 50-Shot Case**,' there has been an **enormous amount of highly prejudicial local media publicity coming from both the print and broadcast media**," the motion stated.

[...] In the motion filed yesterday, the lawyers recounted several newspaper articles about the shooting. The articles included accounts of the mayor's remarks as well as coverage of the Rev. Al Sharpton's comments and the demonstrations that he led against the police.

The motion referred to what it called a "**feeding frenzy**" over a sighting of Detective Oliver attending a \$4,200 dinner with friends at a Manhattan restaurant on the night he was indicted last March. "Even though the dinner was paid for by someone else, Detective Oliver was **castigated and vilified** in the press for supposedly showing no remorse for the killing of Sean Bell," the motion stated.

A column by Michael Daly of the *Daily News* was also mentioned. “If Sean Bell had been blessed with a rich pal to buy him \$575 bottles of wine at Nello’s,” Mr. Daly wrote, “he would have lived to see his wedding day.”

The motion also recounted statements made by Police Commissioner Raymond W. Kelly that officers are trained to fire three shots and to pause to “reassess the situation,” a policy that the lawyers said did not exist.

[...] The motion also cited Web sites memorializing Mr. Bell and interviews with his family posted on YouTube.<sup>175</sup>

The three excerpts above show how the police defenders respond to ‘reality challenges’ in a variety of ways. In the first excerpt, Mr. Culleton first responds to such challenges by saying that the criticism by critics — ranging from the media to ‘social activists’ — is unjust and unfair: the media reports are ‘irrelevant to the facts of the case’ as ‘neither he nor his client was aware of a reported \$10,000 settlement in the cabbie incident’. Second, Mr. Culleton questions the methods of those that criticize the implicated officers, labeling the media reports a ‘smear campaign masquerading as investigative journalism’, while ‘adding insult to injury’, and saying that the grand jury has acted inconsistently. Third, he questions the motives, credibility, and trustworthiness of police critics, saying that the media are using a smear campaign ‘for the purpose of selling newspapers’, and that the ‘social activists’ purposely try to ‘put a racial spin on the chain of events that occurred outside Club Kalua’. The credibility is also subtly questioned by Mr. Culleton’s remark that his name was misspelled, and that he was quoted out of context. Fourth, Mr. Culleton responds by arguing that the unfair criticism, methods, and motives negatively affect the judicial process and the concerns, feelings, thoughts and previous experiences of the implicated officers. Not only are the media reports ‘poisoning a potential jury pool’ so that the lawyer and his client ‘are behind the eight ball before we even begin’, the media reports also add ‘insult to injury’, while being a ‘character assassination’ of Mr. Culleton’s client. In addition, the ‘reported \$10,000 settlement’ is dismissed ‘as a nuisance suit’. As a final point, Mr. Culleton responds by bringing up the perceptions discussed in Subsection 3.1.4 of a ‘good officer’: ‘in 600 career arrests, Detective Oliver had never fired his weapon. He also portrays himself as a ‘good lawyer’ for that matter: ‘I’m not looking to try this case in the newspapers’.

In the second excerpt, the police defenders further reiterate their argument that the credibility of the victims is questionable, saying that Mr. Benefield’s actions show ‘disrespect for the law’. Furthermore, by saying that the incidents ‘involving moral turpitude will have a negative impact upon his credibility at trial,’ Mr. Arlia indirectly says that this loss in credibility implies that the reality he will present at court will not be credible either.

In the third excerpt, the police defenders respond to the ‘reality challenge’ in a similar fashion as in the first excerpt. First, they react by saying the criticism itself is unjust and unfair. For instance, the media reports are ‘prejudicial’, while Police Commissioner Kelly’s remark refers to ‘a policy that the lawyers said did not exist.’ Second, the police defenders again question the methods of those who

criticize the implicated officers, labeling the ‘enormous amount’ of media reports a ‘feeding frenzy’. Third, the credibility and trustworthiness of those criticizing the officers is also subtly challenged, for example by the same remark that Police Commissioner Kelly is referring to a policy that does not exist. Fourth, police defenders respond by arguing that the unfair criticism, methods, and motives negatively affect the judicial process and the concerns, feelings, thoughts and previous experiences of the implicated officers. Again, the pool of prospective jurors is ‘incurably poisoned’, while Detective Oliver has been ‘castigated’ and ‘vilified’.

Thus, in short, the excerpts above show how the police defenders respond to ‘reality challenges’ first by refuting the criticism itself as well as the motives and methods used by police critics, and second by showing the consequences of this unfairness: victimization.

On a rhetorical level, police defenders underline the sense of wrongdoing and its causal relationship to victimization by emphasizing its magnitude in different ways: while the lengthy time span of wrongdoing is stressed by statements such as ‘the very outset of this case’, the nature of the wrongdoing is emphasized by emphatic descriptions such as ‘feeding frenzy’, and ‘an enormous amount of highly prejudicial local media publicity’. The magnitude of the victimization is also emphasized by police defenders, in their use of equally emphatic and emotionally charged descriptions such as ‘poisoned’, ‘castigated’ and ‘vilified’.

In a broader sense, it is interesting that the police defenders acknowledge the existence of the labels ‘Sean Bell’ and ‘50 shots’ by saying that the case has become known as ‘the Sean Bell Case’, or ‘the 50-Shot Case’. Yet they do so only to show how these labels victimize the detectives.

During and after the trial the responses to ‘reality challenges’ as well as the ways of deflecting such challenges — are reiterated:

#### ***During the trial (March–April 2008)***

A *New York Times* excerpt on the arrival of Fabio Coicou, a ‘mysterious’ witness about whom not much was known by the public at the time, apart from the fact that he got into an argument with Sean Bell and that he was driving in an SUV that the night:

Most people did not know his name until the opening day of trial. And it was a name worth waiting for: Fabio Coicou. According to the Nexis database, there is but one human with that name (pronounced kwah-COO) in this nation, and he lives in Far Rockaway, Queens, age 30.

But last Wednesday, when prosecutors requested a brief recess at 10:15 a.m. to bring in their next witness, nothing happened. No Mr. Coicou.

The night before, as if afraid of a no-show, a prosecutor would say only that a civilian witness was expected the next day, but he did not want to say who until he was sure the witness would appear. A defense lawyer said, “I’ll believe it when I see it.”

Five minutes passed, then 10. Reporters and spectators drifted into the Queens courthouse hallway, craning their necks like paparazzi at a red carpet. Michael J. Palladino, the president of the Detectives’ Endowment Association, said, “**Maybe he’s parking his SUV.**”<sup>176</sup>

Mr. Martin responding to the ‘I love you’ statement from Joseph Guzman, in which the latter gave an account of his final conversation with Sean Bell after he had been shot:

Defense lawyers questioned Mr. Bell’s last words, with one of them, Paul P. Martin, calling it part of a “**movie script**.”<sup>177</sup>

An excerpt from a *New York Times* interview with Mr. Ricco:

“These are just **convenient clichés** that people use,” he said. “What part of the black community is he talking about? I’m in the black community. Am I on trial?”<sup>178</sup>

A *New York Times* excerpt from Mr. Ricco’s closing arguments:

Apparently referring to Mr. Sharpton, who was in the courtroom briefly on Monday and left before Mr. Ricco began speaking, he said: “**Somebody wanted this case to come out and fit a script. They know who they are.**”

“**They turn their back on people like Giscard Isnora,**” using “**fancy radio shows**” and “**a network,**” he said.

He described his own background as a death penalty lawyer who has defended black people accused of killing police officers, “**trying to save people from our community from the gallows,**” and said supporters of Mr. Bell’s family “**sort of discouraged me from doing my sworn duty.**”

He accused prosecution witnesses **of committing perjury, including Fabio Coicou**, a stranger who confronted an intoxicated Mr. Bell outside the Club Kalua; Detective Isnora and others testified that the conversation included mention of guns. Mr. Coicou, who had told prosecutors he heard someone say, “gat,” slang for gun, testified that the two did not argue and that he did not recall hearing “gat.”<sup>179</sup>

A *New York Times* excerpt on Mr. Culleton’s closing arguments:

Mr. Culleton criticized **prosecutors for allowing witnesses like Mr. Coicou to make statements** to the grand jury in 2007 that he said they knew contradicted what the witnesses had told the prosecutors earlier in interviews, like the reference to the “gat.”<sup>180</sup>

#### *After the acquittals (April–May 2008)*

Mr. Culleton quoted on how the aftermath of debate affected Detective Oliver:

Mr. Culleton, the lawyer, said that Detective Oliver had been “**vilified since Day 1.**” Since the shooting, Detective Oliver, 36, who grew up in New Jersey and now lives in Manhattan, had been characterized in some media accounts as somewhat of a playboy and bon vivant and was also labeled as arrogant. But Mr. Culleton said that his client was haunted by Mr. Bell’s death.<sup>181</sup>

*New York Times* excerpts on how the aftermath of debate affected Detective Cooper:

Detective Marc Cooper spared no gratitude after his acquittal in the Sean Bell shooting, using a news conference to thank the Lord, his lawyers, his family, his union and Victor Swinton, the president of the Guardians Association, a fraternal organization for black police officers formed more than 60 years ago.

But Detective Cooper’s lawyer added that others had not been so kind. Detective Cooper “**felt betrayed by the African-American community,**” the lawyer, Paul P. Martin, said in an



interview later, adding that “several African-American police organizations did not support him.”<sup>182</sup>

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Detective Cooper, 40, lives in Orange County with his wife and three children, said his lawyer, Paul P. Martin. Detective Cooper, who is black, was **especially crushed** by allegations that racism prompted the shooting, Mr. Martin said, because he had mentored black youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group.

“He’s been **ostracized**,” Mr. Martin said, “and he **felt betrayed by the African-American community**.”<sup>183</sup>

Mr. Palladino quoted on the aftermath of the shooting:

“**We have been portrayed as insensitive murderers**,” he said. “And I can tell you **that we are not**.”<sup>184</sup>

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

That was the situation that faced the police detectives who shot and killed Sean Bell outside the Club Kalua in Queens on Nov. 25, 2006. **So I’m glad that on Friday, Justice Arthur J. Cooperman was able to navigate through the rhetoric of the prosecution** and acquit Detectives Giscard F. Isnora, Michael Oliver and Marc Cooper on manslaughter and all other charges.

[...] Not many people will ever know what that feels like. Most police officers, myself included, never get shot or even discharge their guns. No one can fairly say that the detectives outside the Kalua were not in a dangerous situation. **Some New Yorkers seem to think it wasn’t quite dangerous enough**. Well, they can debate that for an eternity. Giscard Isnora wasn’t afforded such leisure.<sup>185</sup>

The excerpts above show how the police defenders respond to ‘reality challenges’ in a similar fashion as prior to the trial. Again, the police critics are being criticized for unfair and unjust criticism, such as for incorrectly portraying the police as ‘insensitive murderers’, and ‘seeming to think it wasn’t quite dangerous enough’, as well as by using convenient clichés. Police defenders also question the methods of police critics, ranging from ‘turning their back on people like Giscard Isnora (by) using fancy radio shows and a network’, discouraging Mr. Culetton from doing his ‘sworn duty’ and ‘allowing witnesses like Mr. Coicou to make statements’. Mr. Murphy’s remark that ‘Justice Arthur J. Cooperman was able to navigate through the rhetoric of the prosecution’, is also interesting, as it not only shows his perception that the police critics are using unfair communication methods (‘rhetoric’), but also his conviction that the police defenders apparently are not doing this, they are simply speaking the truth. Third, the police defenders question the motives, credibility, and trustworthiness of police critics, saying that Mr. Guzman’s testimony is part of a ‘movie script’, that Mr. Coicou committed perjury, and that also outside of the courtroom ‘Somebody wanted this case to come out and fit a script’ and that ‘They know who they are’. The credibility of police critics is also subtly questioned by Mr. Palladino’s ironic remark ‘Maybe he’s parking his SUV’. Fourth, police defenders

again respond by arguing that the unfair criticism, methods, and motives negatively affect the judicial process and the concerns, feelings, thoughts and previous experiences of the implicated officers. While Mr. Oliver has been ‘vilified since Day 1’, Mr. Cooper has been ‘ostracized’ and feels ‘crushed’ and ‘betrayed by the African-American community.’ The police defenders, in turn, are portrayed as ‘good cops’ and ‘good lawyers’: while Mr. Cooper ‘had mentored black youngsters, worked to get guns off the street, and had been a member of the Guardians Association, a black fraternal group’, Mr. Ricco is a ‘death penalty lawyer’ who has been ‘trying to save people from our community from the gallows’.

The quotes above show how the credibility of the police critics is further questioned by police defenders. They do this by using irony (‘Maybe he’s parking his SUV’), and by making reproachful remarks (‘committing perjury’). The reality presented by police critics is thus portrayed as both fictional and staged (‘part of a movie script’ and ‘a script’). Again, the police critics are positioned as perpetrators and wrongdoers in this matter. Police defenders also elaborate on the nature and effect of their wrongdoing, as Mr. Ricco’s remarks illustrate: ‘Somebody wanted this case to come out and fit a script. They know who they are’ and ‘They turn their back on people like Giscard Isnora, using fancy radio shows and a network’.

On a broader note, the quotes above distinguish between the perpetrators ‘they’ and the victims ‘us’. The delimitation of this ‘us’ and ‘them’ group will be discussed further on.

The police defenders’ response to ‘reality challenges’ shows many similarities with the way police critics react to such challenges. More specifically, police defenders respond to ‘reality challenges’ first by refuting the criticism itself as well as the motives and methods used by police critics, and second by showing the consequences of this unfairness: victimization. Although this approach is slightly less emotional than that of police critics, the rhetorical and communication methods used show quite some similarities such as ridiculing, use of irony, the deliberate shielding from another reality, and the questioning of the trustworthiness of the critics while suggesting the critics use unfair strategies. In addition, police critics’ arguments are not properly addressed or they are ignored, and no true dialogue is initiated in the media.

On a broader level, the responses to reality challenges show the unyielding nature of the reality held by police defenders, in which no common ground with other realities is sought. Other realities on the shooting and the conduct of the officers are simply dismissed: there is one truth, and other versions are ‘a script’. The presentation of different realities furthermore leads to a sense of victimization, which can be seen both as spontaneous or strategic discourse. As a form of spontaneous discourse, the sense of victimization felt after criticism fits within the historic and organic pattern of prolonged and profound unfair criticism, methods and motives instigated by police critics, which in turn, in the police defenders’ view, has led to a pattern of police suffering and victimization and a weakening of the criminal justice system. Similar to that felt by police critics, the sense of

victimization is partly due to a self-righteous attitude: As there is no other reality, criticism on one's own reality is felt as a personal attack. They feel that no proper respect is given. As strategic PR discourse and strategic judicial discourse, the sense of victimization can be categorized as 'emotional blackmail', as it is suggesting that criticism can have negative effects. The reference to the notion of victimization in this way can be seen as a way of (counter) attack.

### **From rigidly defined reality to an 'us-versus-them' positioning**

The rigid definition of reality, and, with it, the non-understanding of realities held by others causes a schism between the 'us' reality and the 'them' reality, similar to the police critics' positioning. It is for that matter interesting to look at the demarcation lines between the 'us' and 'them' groups, as well as the demarcation lines that intersect their realities.

To start with, it is important to note that, although the 'us-versus-them' reality in its totality is similar to that of police critics, the demarcation lines that separate 'us' from 'them' are somewhat different from those set by police critics. The following statement by Mr. Ricco in court gives more insight into this discrepancy:

#### ***During the trial (March 2008)***

A *New York Times* interview with Mr. Ricco:

"A bunch of young people ran up behind me quickly," Mr. Ricco recalled. They wore pins for the New Black Panther Party. "One said, 'I want to ask you a question.' They're asking me about the case. 'How could you?'"

[...] "My BlackBerry exploded," he said in an interview last week. "I got phone calls from many people who tried to discourage me from getting involved in the case. I was very disturbed by some of the views that were expressed. 'You're seen as a hero in our community. How can you represent them?'"

"The answer to it is very simple," he said. "I thought about many of the young black men who were prosecuted and executed in **small towns in the old South**. Excellent white lawyers living in those towns were intimidated from getting involved with those cases. **Would I fold to the community's sense of outrage? I hope to think if I was a lawyer in those small towns, I would have stood up.**"

[...] He shrugged off suggestions that he is putting Mr. Bell on trial, or even, as a lawyer for Mr. Bell's parents said recently, putting the "black community on trial."

"These are **just convenient clichés** that people use," he said. "**What part of the black community is he talking about? I'm in the black community. Am I on trial?**"<sup>186</sup>

What is striking in the statement above is that Mr. Ricco demarcates 'us' and 'them' disparately from the peremptory racial black and white lines set out by police critics. While the latter see him as a betrayer of his racial background, and thus as 'them', he believes he is still part of the black community, yet simply not a police critic. Mr. Ricco for that matter refutes the dogmatic 'law'

conveyed by playwright Mr. Baraka (discussed in Part II, Chapter 1) who told the *New York Times* just before the grand jury trial:

**“Any black person** that doesn’t wince from hearing that [the Sean Bell shooting] [...] is **completely alienated** from his **black persona**, or is already dead.”<sup>187</sup>

Thus, in Mr. Ricco’s quote the demarcation between ‘us’ and ‘them’ is not defined by racial lines. In that sense, membership of the ‘us’ group is less rigidly defined than the standards set by police critics such as Mr. Baraka and the New Black Panthers. Yet the ‘us’ group is certainly delimited by police defenders. This also comes to light in the statement above. While he does not speak of ‘us’ (only ‘I’), he does distance himself from ‘them’ as he does ‘not fold to the community’s sense of outrage’, thus showing support for the implicated officers. The following quotes give more insight into this demarcation:

*At the time of the ‘shopping for justice’ protest march (December 2006)*

Mr. Palladino:

He’s trying to deny **our police officers** their civil rights and due process.<sup>188</sup>

*In between the indictments and the trial*

A *New York Times* description of the courtroom, during a brief court hearing:

On the right side, behind Charles Testagrossa, the assistant district attorney who presented evidence to the grand jury, sat Mr. Al Sharpton, Mr. Guzman, Mr. Trent Benefield and many members of Mr. Bell’s family. **On the left side sat rows of men in dark suits who were supporters of the police, among them Mr. Palladino and Patrick Lynch, the president of the Patrolmen’s Benevolent Association. Mr. Sharpton and Mr. Bell’s associates left without speaking after the hearing, climbing into a stretch limousine and two sport utility vehicles.**<sup>189</sup>

*At the end of the trial (April 2008)*

Mr. Palladino on lawyers’ costs:

Michael J. Palladino, president of the Detectives’ Endowment Association, said the union had spent around \$700,000 on the defense and expected to spend \$1 million before the case was over.

**“Worth every penny,”** he said.<sup>190</sup>

A *New York Times* excerpt on Mr. Ricco’s closing arguments:

He described his own background as **a death penalty lawyer who has defended black people accused of killing police officers, “trying to save people from our community from the gallows,”** and said supporters of Mr. Bell’s family “sort of discouraged me from doing my sworn duty.”<sup>191</sup>

### *After the acquittals (April–May 2008)*

Mr. Palladino responding to Mr. Sharpton's plea for disciplinary charges against the implicated officers:

Michael J. Palladino, president of the Detectives' Endowment Association, shot back that the "Rev. Al needs to be reminded that all of the detectives were found not guilty in a court of law." He said the union would **"vigorously represent our detectives in the department's trial room."**<sup>192</sup>

*A New York Times* excerpt on the rifts in black police unions:

Last year, members of the Grand Council of Guardians marched with Mr. Bell's family, and also issued recommendations to reduce the likelihood of similar shootings. While the council is made up of representatives of Guardians chapters for correction officers, parole officers and others, Inspector Swinton maintained that his organization was no longer affiliated with it. **"We parted ways before the Sean Bell shooting,"** he said, but did not elaborate.

[...] Regardless of how others felt about the case, Inspector Swinton said, his position concerning Detective Cooper was clear. **"I would have given him support even if he was found guilty by the court,"** he said.<sup>193</sup>

First, these statements show that police defenders unequivocally support the officers. This support shapes the 'us' group in a different way from that of the police critics. While the latter group to a great extent identifies itself with the victims ('I am Sean Bell'), the former group lays more emphasis on the support itself, although personal identification with the implicated officers does occur at times, examples of which have been discussed throughout this chapter. The result of this is that the 'us' group demarcated by police defenders is two-pronged, comprising supporters on the one side and those receiving support, i.e. the implicated officers on the other. The group of police officers at large can be associated with either of these groups. The police critics' 'us' group does not make such a distinction.

The support in the quotes above is firstly captured in the 'us-versus-them' depiction by the *New York Times*, hinting at a tight-knit secretive police culture. The support is also captured in the statements by police defenders: While Mr. Palladino 'vigorously represents' the officers and believes his union's financial support is 'worth every penny of it', Inspector Swinton 'would have given him support even if he was found guilty by the court', showing how support is ranked higher than rule of law. This support, in turn, seems to delineate the group of police defenders. Examples of this include the possessive reference to 'our detectives', exposing the close relationship between Mr. Palladino and the implicated officers, but also the reference that the Grand Council of Guardians are not part of the 'us' group, as Inspector Swinton subtly points out by saying 'We parted ways before the Sean Bell shooting'. Support for the victims is thus not based on universal but rather personal views, fuelled by police kinship ('I would have given him support even if he was found guilty by the court'). The reference to 'our detectives' also shows how the fraternal kinship itself distinguishes 'us' from them'.

The group is also delineated in another, more delicate way:

### *Just after the shooting (December 2006)*

A *New York Times* excerpt:

Philip E. Karasyk, the lawyer representing the undercover detective who fired the first shots, and whose name has not been publicly disclosed, said that he intended to have his client speak voluntarily to the prosecutors, and testify without immunity to the grand jury because he wanted the panel **members to hear the man's story from his own mouth.**

**"I want people to understand exactly what he was experiencing and why he did what he did,"** Mr. Karasyk said. "There is no better way to know what was going [*sic*] in someone's mind than to have them get up there and tell you. Then they can judge his credibility. I want him to put the grand jurors in his shoes and to recreate what he was experiencing at the time, because, unless you've been there, **you have no idea what it's like.**"<sup>194</sup>

### *During the grand jury process (March 2007)*

A *New York Times* excerpt:

Still, Mr. Karasyk acknowledged that his client "was the first shooter." He said the detective gave grand jurors "a **picture of everything that was going through his mind and why he took the steps he took.**"<sup>195</sup>

### *After the indictments (March 2007)*

Excerpts from the Op-Ed article by Mr. Leuci:

**TOO often, too many of us see into things what we want to see, read into things what we want to read, and in the end, believe what we want to believe.** It's a very human foible, and one we've been seeing a lot of since the fatal shooting of Sean Bell, in which three New York police officers have just been indicted on manslaughter and assault charges.

Perhaps a bit of history may help put things in perspective. In August 1997, Officer Justin Volpe surrendered to the authorities to face charges of sexually brutalizing a Haitian immigrant in police custody, Abner Louima, with a toilet plunger during a fit of racist violence.

I didn't believe a word of it. And I think that my belief, or talent for self-delusion or what have you, was not an exception. We're human, after all, and believe only those things that we can wrap our mind around. I simply could not wrap my mind around such a grotesque incident.

I'd been in Officer Volpe's position more than once; I understood that sometimes you lose control. Sometimes there is too much anger, too much fear. I've said it — shouted it, "If you don't back up and calm down, I'm going to take this stick and ..."

**You had to be there.**<sup>196</sup>

### *Just after the acquittals (April 2008)*

An excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

**Not many people will ever know what that feels like.** Most police officers, myself included, never get shot or even discharge their guns. No one can fairly say that the detectives outside the Kalua were not in a dangerous situation. Some New Yorkers seem to think it wasn't quite

dangerous enough. Well, they can debate that for an eternity. Giscard Isnora wasn't afforded such leisure.<sup>197</sup>

In the quotes above, the police defenders emphasize that others 'have no idea what it's like', and 'you had to be there' implying that the reality of the detectives, or similar realities such as that of Mr. Leuci, are hard to understand for outsiders. The statements above for that matter both give insight into the 'us' and 'them' group. While the 'them' group consists of people who fail to comprehend 'what it is like', police defenders might not all have experienced 'what it is like' either, but they can understand and relate to this reality, which is a condition for membership to the 'us' group. In addition, the statements show a similar sense of police uniqueness as described in the previous chapter. The statements also show how the 'them' group is expected to act within the same 'us-versus-them' pattern of non-understanding of the police defenders' reality.

This condition of 'understanding' is similar to the one set by police critics, as also discussed in Part II, Chapter 1:

***Just after the shooting (November 2006)***

A *New York Times* excerpt on a community meeting held with Police Commissioner Kelly and Mayor Bloomberg:

Robert A. U. Hogan, president of the residents association at the Baisley Park public housing project, noted the absence of young people at the meeting. "**No one in that room,**" he said, "**is going through what the young people are going through in this community.**"<sup>198</sup>

***During the trial following the pray-in protests (October 2008)***

Mr. Sharpton on his motive for the pray-in protests:

"I hope **the city would think about** how the pedestrians who couldn't walk that day, and the drivers who couldn't drive, were no different than the three young men who sat in the car that day and were shot at."<sup>199</sup>

In the reality held by police defenders, the 'us' group is also delimited by victimization, as the following quotes show:

***At the end of the trial (April 2008)***

A *New York Times* excerpt on Mr. Ricco's closing arguments:

"They turn their back on **people like Giscard Isnora,**" using "fancy radio shows" and "a network," he said.

He described his own background as a death penalty lawyer who has defended black people accused of killing police officers, "trying to save people **from our community from the gallows,**" and said **supporters of Mr. Bell's family** "**sort of discouraged me from doing my sworn duty.**"<sup>200</sup>

### ***After the acquittals (April 2008)***

Mr. Palladino quoted on the process that followed the shooting:

**“We have been portrayed as insensitive murderers,”** he said. **“And I can tell you that we are not.”**<sup>201</sup>

Excerpt from the *New York Times* Op-Ed article by Mr. Murphy:

For most people exonerated at trial, this story would be over — **but not for the police**. The officers still face the prospect of federal charges and departmental punishment.

The statements above show that the ‘us’ group is also delimited by victimization, and thus is made up of those who have to pay the price for the unfairness, involving more than just the implicated officers. Some aspects of the victimization are attributed to the police at large. (‘For most people exonerated at trial, this story would be over — but not for the police’). Similarly, by saying that ‘people like Giscard Isnora’ are victimized and that ‘supporters of Mr. Bell’s family sort of discouraged me from doing my sworn duty’, Mr. Ricco extends the group membership from the detectives to other policemen, and even to lawyers like himself. Mr. Palladino does exactly the same by the use of ‘we’ in reference to the portrayal as ‘insensitive murderers’, in fact arguing that the ‘us’ group of defenders is being victimized by police critics. Thus, the victimization seems to be a universal criterion for the group of police defenders (as opposed to the schism between supporters and officers).

The statements above also expose some of the delineation of the ‘them’ group, who are defined as ‘those committing unfairness’. This vague demarcation has already been touched upon on several occasions in this chapter, but has not yet been further scrutinized. The following quotes give an overview of how police defenders apply this apparently vague criterion by which they demarcate the ‘them’ group:

### ***Just before the indictments (March 2007)***

Mr. Palladino quoted on Michael Oliver’s grand jury testimony:

**“This detective has been** characterized as a cowboy, and that’s not true and it is unfair”<sup>202</sup>

### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on the grand jury indictments:

When the same news reached the 103rd Precinct station house, on Police Officer Edward Byrne Avenue, one officer, a 17-year veteran who declined to give his name, said he was sorry to hear it. A jury would see — he was sure of it — that Mr. Bell’s death, while tragic, was nothing more than an accident. But, he said with resignation, the indictments **“will make the public happy.”**<sup>203</sup>

### ***In between the indictments and the trial***

Mr. Palladino after a brief court meeting:



Mr. Palladino said the detectives' right to a fair trial had already been damaged by "**the acts and antics of people like Al Sharpton.**"

[...] Mr. Palladino, however, said the **[media] reports** had the potential to infect a jury pool.<sup>204</sup>

Excerpt from a biographic *New York Times* article on the background of Mr. Culleton:

He vents against the **grand jury** that indicted his client on manslaughter, assault and reckless endangerment charges despite his voluntary and, in Mr. Culleton's opinion, contrite testimony. (That only three of the five officers who fired their guns were indicted also strikes him as inconsistent.)

He vents against a **cadre of social activists trying to put a racial spin on the chain of events that occurred outside Club Kalua, where the shooting took place.**<sup>205</sup>

A *New York Times* excerpt on the motion filed by the officers' lawyers requesting that the trial be moved out of New York City (January 2008):

Lawyers [...] filed a motion yesterday requesting that the trial, scheduled to begin next month, be moved out of New York City, saying **publicity** has "**incurably poisoned**" the pool of prospective jurors.

[...] "From the very outset of this case [...] there has been an enormous amount of **highly prejudicial local media publicity** coming from both the print and broadcast media," the motion stated.

[...] In the motion filed yesterday, the lawyers recounted several newspaper articles about the shooting. The articles included accounts of the **mayor's remarks as well as coverage of the Rev. Al Sharpton's** comments and the demonstrations that he led against the police.

The motion referred to what it called a "**feeding frenzy**" over a sighting of Detective Oliver attending a \$4,200 dinner with friends at a Manhattan restaurant on the night he was indicted last March. "Even though the dinner was paid for by someone else, Detective Oliver was **castigated and vilified in the press** for supposedly showing no remorse for the killing of Sean Bell," the motion stated.

A column by Michael Daly of the *Daily News* was also mentioned. "If Sean Bell had been blessed with a rich pal to buy him \$575 bottles of wine at Nello's," Mr. Daly wrote, "he would have lived to see his wedding day."

The motion also recounted statements made by **Police Commissioner Raymond W. Kelly** that officers are trained to fire three shots and to pause to "reassess the situation," a policy that the lawyers said did not exist.

[...] The motion also cited **Web sites memorializing Mr. Bell and interviews with his family posted on YouTube.**<sup>206</sup>

*At the end of the trial (April 2008)*

A *New York Times* excerpt from Mr. Ricco's closing arguments:

**"Somebody wanted this case to come out and fit a script. They know who they are."**

[...] He described his own background as a death penalty lawyer who has defended black people accused of killing police officers, "trying to save people from our community from the

gallows,” and said **supporters of Mr. Bell’s family** “sort of discouraged me from doing my sworn duty.”<sup>207</sup>

A *New York Times* excerpt from Mr. Culleton’s closing arguments:

Mr. Culleton criticized **prosecutors** for allowing witnesses like Mr. Coicou to make **statements** to the grand jury in 2007 that he said they knew contradicted what the witnesses had told the prosecutors earlier in interviews, like the reference to the “gat.”<sup>208</sup>

#### *After the acquittals (April–May 2008)*

*New York Times* excerpts on how the aftermath of debate affected Detective Cooper:

Detective Cooper “**felt betrayed by the African-American community**,” the lawyer, Paul P. Martin, said in an interview later, adding that “**several African-American police organizations** did not support him.”<sup>209</sup>

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“**He’s been ostracized**,” Mr. Martin said, “and he **felt betrayed by the African-American community**.”<sup>210</sup>

Mr. Palladino:

At the news conference, Michael J. Palladino, the president of the Detectives’ Endowment Association, **lashed out at critics of the Police Department and of the three detectives**. He said the district attorney’s office had omitted critical information when they presented the case to the grand jury, which indicted the three detectives. Mr. Palladino also **leveled criticism at Mr. Bell’s friends Trent Benefield and Joseph Guzman**, who were both gravely injured in the shooting, and who testified during the trial.<sup>211</sup>

What is striking in the quotes above is how the ‘them’ group changes depending on the ‘reality challenge’, which the police are facing at that moment. Phrased differently, the consistency of ‘them’ is flexible in the quotes above, ranging from Al Sharpton, ‘social activists’, demonstrators, memorial websites, lawyers, and the media, and also to ‘the public’ in general, the mayor, the grand jury members, several African-American police organizations, and even Police Commissioner Kelly. In fact, police defenders appear critical of all groups that criticize the implicated officers and the department, as the *New York Times* similarly analyzes (‘Michael J. Palladino lashed out at critics of the Police Department and of the three detectives’).

The flexibility of group consistency is also subtly conveyed by the use of the passive voice, for instance in Mr. Palladino’s remark ‘We have been portrayed as insensitive murderers’. By using the passive voice, the perpetrators are not labeled and the culpability for unfairness becomes flexible. Phrased differently, Mr. Palladino is implying ‘if the cap fits, wear it’. The use of ‘them’ in Mr. Ricco’s closing arguments is different. Although ‘them’ is not specified in the quote, his accusations clearly refer to Al Sharpton and the National Action Network he is in charge of.

The flexibility of group consistency does not mean that the ‘them’ group is not delimited. On the contrary, there is a constant denominator within the changing ‘them’ group: All of them are

critical of the police (or are perceived to be) and are consequently labeled as outsiders, which can go as far as ‘the public’ in general.

Thus, stakeholders are consequently ‘pigeonholed’ in either the ‘us’ or ‘them’ camp, depending on the situation. The core ‘them’ group is for that matter expected to behave according to certain patterns:

#### ***Just after the indictments (March 2007)***

An excerpt from the Op-Ed article by Mr. Leuci:

There will always be some who want to believe what Mr. Sharpton says, even though they know better. For some reason, they feel **an obligation to raise their voices in anger, to march outside** 1 Police Plaza in response to events that they — or anyone who wasn’t present outside Club Kalua — **know little about. It’s a contradiction, a puzzle.**<sup>212</sup>

#### ***During the trial (March 2008)***

A *New York Times* excerpt:

So different was Mr. Nelson’s version than those of other friends who have testified that a defense lawyer, **Anthony L. Ricco, suggested at cross-examination that the testimony might make it “difficult” for Mr. Nelson in his neighborhood**, and Mr. Nelson agreed.<sup>213</sup>

These quotes show how police defenders expect police critics to act within a fixed pattern, and have a rigid concept of reality, just as the ‘us’ group does. While the ‘them’ group knows ‘little about’ what happened they still feel ‘an obligation to raise their voices in anger’ while those who are unsupportive are considered outcast (‘the testimony might make it “difficult” for Mr. Nelson in his neighborhood’). This behavior of the ‘them group’ is never fully understood (‘It’s a contradiction, a puzzle’). The quotes are similar to Mr. Sharpton’s assessment of Mr. Cuomo’s reaction and presented solutions to the Sean Bell shooting and police conduct in general:

#### ***In the period of the grand jury process (February 2007)***

A *New York Times* excerpt on the then newly appointed New York State’s attorney general:

Even Mr. Sharpton acknowledges that Mr. Cuomo “clearly is taking positions that I’m sure the law enforcement community might not embrace.”<sup>214</sup>

#### **Summary**

In short, this subsection has demonstrated how the police defenders’ rigid definition of reality only accommodates a single version of the truth of the incident itself in which no other interpretations, perceptions and viewpoints are possible. The police defenders’ reality rigidly excludes blame for the shooting incident. Solutions presented are either ignored or refuted if they conflict with the concerns of the police. When this rigidly defined reality is challenged, feelings of victimization and denial are exacerbated, while the defenders employ strategies such as ridiculing, use of irony, deliberately

shielding from another reality, and the questioning of the trustworthiness of the critic while suggesting the critics use unfair strategies.

The police defenders' rigid definition of reality leads to an overall 'us-versus-them' positioning. The 'us' component is demarcated by level of support, police fraternity, ability to understand the suffering, and police victimization, resulting in a diverse dual-layered 'us' group. Permanent members include police fraternity members and spokesmen and a large part of the rank and file (although they do not speak out individually), the implicated officers, and their lawyers. The 'them' component, in turn, is quite flexible in consistency, as it is mainly demarcated by those who criticize the police at a certain time in the aftermath. While Al Sharpton is a permanent component of this group, the mayor and the police commissioner himself are also labeled as 'them'. The 'them' group is characterized by a predictable pattern of behavior (i.e. unfair criticism, methods and motives, as well as non-understanding and non-support), which is never fully understood.

### **3.3.3 The driving force of response and the filter of debate:**

#### **Third person emotionality and a self-centered perspective**

So far, the discussed labels and framings in this chapter show a mix between emotional and more factual characteristics: while the label 'Every day is hell for these guys' exudes emotion, the labels 'tragic set of events' and 'A matter of seconds' exude both emotion and factuality. Similarly, emotion is an important component of the historical and organic framing of unfairness and of victimization. The question now arises of how this apparent dichotomy of emotionality and factuality is reflected in the positioning of police defenders in the debate that ensued after the Sean Bell shooting, and also, what the transition between interpretation and positioning is, i.e. the driving force and filter of response.

These questions have already been touched upon in the discussion of the delineation of debate and reality. To start with the filter of response, Subsections 3.2.3 and 3.3.1 have demonstrated how each new development is assessed by looking at the impact on the implicated officers or the police at large. The driving force has also been exposed. For example, the dual-layered desired outcome of debate comprised both emotional and non-emotional elements, while the notion of victimization is very much emotionally charged. More specifically, the second layer shows how the departure point of debate is emotion, while the first layer appears more factually driven. This departure point, thus, is also a mix of emotional and non-emotional elements. As pointed out in Subsection 3.3.1, the notion of unfairness is a subtle and less emotional word for victimization.

To better understand the emotional and factual nature of the driving force of debate, it is necessary to take another look at the quotes that make up the label 'Everyday is hell for these guys', as they provide more clarity about these two elements:

*During the grand jury process (February–March 2007)*

Mr. Martin on Detective Cooper testifying before the grand jury:

On his way out at 2:45 p.m., his lawyer, Paul P. Martin, said the shooting **weighed heavily on Detective Cooper, who he said felt a sense of relief in testifying.**<sup>215</sup>

Mr. Worth on Officer Carey testifying before the grand jury:

Stephen C. Worth, the lawyer for Officer Michael Carey, said that his client would also testify next week. “Officer Carey is **relieved** that the time has now come for him to tell what he knows to the grand jury,” he said.<sup>216</sup>

A *New York Times* excerpt on Mr. Palladino speaking about the testifying of the detectives:

Four of the five police officers involved in the shooting have voluntarily spoken to prosecutors and Michael J. Palladino, president of the Detectives’ Endowment Association, said that beginning as early as Monday “at least three of the four detectives are planning to testify” before the grand jury.

“Since the beginning, they have been **anxious** to have their side of the story told publicly,” Mr. Palladino said. “As far as I’m concerned, I think the grand jury, in order to make an informed decision on this very important case, has to hear from the detectives.”<sup>217</sup>

A *New York Times* excerpt:

Union officials and lawyers for the men said they had been **eager to talk** about what occurred on Nov. 25, when they and their colleagues opened fire on Mr. Bell’s car outside the Club Kalua strip club in Jamaica, Queens.<sup>218</sup>

*After the indictments (March 2007)*

Mr. Culleton on the emotional state of his client:

Mr. Culleton said Detective Oliver was “very **nervous**.”<sup>219</sup>

“**He was very upset;** these are very serious charges,” Mr. Culleton said.

*After the acquittals (April 2008)*

Mr. Culleton quoted on how the aftermath of debate affected Detective Oliver:

Mr. Culleton, the lawyer, said that Detective Oliver had been “**vilified since Day 1.**” Since the shooting, Detective Oliver, 36, who grew up in New Jersey and now lives in Manhattan, had been characterized in some media accounts as somewhat of a playboy and bon vivant and was also labeled as arrogant. But Mr. Culleton said that his client was haunted by Mr. Bell’s death.

“**He is very upset with what happened,**” Mr. Culleton said. “And he’s going to have to deal with it for the rest of his life.”<sup>220</sup>

Mr. Karasyk on Detective Isnora:

“It’s been **hell** for him,” said Philip E. Karasyk, who represented Detective Isnora. “He’s been a **nervous wreck.**”<sup>221</sup>

The quotes above show how emotion has a different function in the positioning held by police defenders than it does for those criticizing the police. Although emotion plays an important role in the quotes above, it is mainly emotion in the third person singular/plural. This comes to light in the label itself, i.e. ‘hell’ (emotion), ‘for these guys’ (third person). While police defenders also personally feel the victimization, and the notion of victimization itself is emotionally charged, the police defenders remain more factual about this than the police critics do. For instance, the previously discussed remark by Mr. Palladino ‘We have been portrayed as insensitive murderers — and I can tell you that we are not’ does exude personal victimization, but not personal emotion. This differs from the police critics’ approach, as this group not only speaks about emotions of the community, but also show their own emotions much more often. The passionate and rousing oratory used by Al Sharpton is an example of this.

On a rhetorical level, police defenders are slightly less descriptive than the police critics in depicting these emotions. While the police defenders more frequently describe the officers’ feelings by saying ‘he was very upset’, police critics use metaphors such as ‘this was a powder keg’. However, at times police defenders also use amplifying and passionate rhetoric, manifest in the label ‘hell’ (‘nervous wreck’, ‘he has been vilified from Day 1’), resulting in a mixed picture.

There are exceptions to the third-person emotionality, such as the following remark:

#### ***Just after the indictments (March 2007)***

A *New York Times* excerpt:

The wait was a **somber one**, said Philip E. Karasyk, who represents Detective Isnora. “There is **nothing more heart-wrenching** than to see a police officer put through the system, especially one **who didn’t do anything wrong**,” Mr. Karasyk said.<sup>222</sup>

Although Mr. Karasyk does show his own emotions, he does so in reference to Detective Isnora’s ordeal and does not link it to his own situation. He is also more factual about the feelings of emotions than for instance Al Sharpton in the following quote:

#### ***After the acquittals (April 2008)***

A *New York Times* excerpt:

At one point during his 30-minute speech, Mr. Sharpton’s voice rumbled to a scratchy crescendo as he spoke of his childhood in Brownsville, Brooklyn, and how his mother fought to keep him out of trouble and make sure he got an education.

Then, with tears streaming down his face, he pointed to Valerie Bell and Ms. Paultre Bell and said: “I’m going to help these two women **fight for that little boy**. That **little boy** didn’t deserve to die, and this city is going to deal with the blood of Sean Bell.”<sup>223</sup>

While Mr. Sharpton not only shares his own background in this quote, he also uses emotion in a more diverse way than Mr. Karasyk, not only by crying, but also by using emotionally charged depictions

such as ‘that little boy’. While the effect of victimization is similar in both quotes, and ‘who didn’t do anything wrong’ has the same meaning as the more implicit ‘that little boy’, the rhetoric of Al Sharpton can be labeled as passionate and rousing oratory, and that of Mr. Karasyk cannot.

### **Summary**

This subsection has demonstrated how police defenders use emotion mainly in the third person singular/plural, while taking a more factual stance in the debate themselves. The police defenders thus function more as a gauge for police feelings than that they show their own emotions. The emotions that are mentioned, in turn, are often simply stated, instead of colorfully depicted to the extent police critics do, making the rhetoric less emotional.

It is important to note that as most of the discussed communication in this chapter is subtle and intricate in nature, so is the use of emotion. It is therefore hard to pinpoint the exact drive of response. However, it can be concluded that while the departure point of debate is emotional (second layer of the desired outcome of debate), the reality of the official spokespeople section of the police defenders is less emotionally driven than that of police critics, but more than that of the NYPD.

The self-centered perspective, in turn, functions as a filter of response: each new development is assessed by looking at the impact on the implicated officers or the police at large.

### **3.3.4 The character of communication: Confrontation and deflection**

Apart from the rigidly defined reality and outcome of debate, the positioning of police defenders is also determined by the spontaneous/PR/judicial strategies used by this group. These strategies differ to a certain degree from those used by police critics: Whereas the first chapter has demonstrated how police critics use aggressive and confrontational strategies in order to achieve their desired outcome of debate, including references to violence and vengeance, the *New York Times* does not quote any such references made by police defenders. Moreover, the use of confrontational communication methods is also less frequent in the statements made by the police defenders in the *New York Times*.

This does not imply that police defenders never convey communication that instigates violence, or make use of harsh communication methods. Such confrontational talk can for instance be found on websites such as the public discussion board ‘The Rant’. As pointed out in this chapter’s introduction, the communication conveyed on such boards is not useful in this research. However, the venue itself deserves some attention, as it can be compared with the ‘protests’ held by police critics, in which individual police critics also speak out more freely. As the individual police defenders do not protest openly, but rather do so in a more anonymous way or by making use of private venues, their criticism is mainly left unnoticed by mainstream newspapers such as the *New York Times*.

The official spokespeople within the group of police defenders, who are quoted in the *New York Times*, in turn refrain from instigating violence, just like most of the official spokespeople within the group of police critics do (exceptions to which include Charles Barron).

In a broader sense, the nature of communication is also different, as the police defenders have a defensive rather than an offensive role in the debate, similar to that of the NYPD. This subsection therefore requires a different analytical approach: first the confrontational talk will be analyzed, followed by an analysis of the nature of defensive talk. As the police defenders' communication is more densely packed than that of police critics, some of the communication strategies have already been discussed in previous subsections (specifically in the conclusions of Subsections 3.3.1 and 3.3.2). This subsection, in turn, looks at strategies that have not been touched upon yet, as well as at a broader communication approach of which the discussed strategies are part.

### **Intricate confrontational talk: circumstantial *ad hominem* argumentation**

Although not as harsh as the vindictive talk conveyed by police critics, confrontational rhetoric does occur in the police defenders' communication. The most pronounced examples can be found in Mr. Ricco's cross-examination of witnesses:

#### ***During the trial (February–April 2008)***

Excerpts of Mr. Ricco in court:

**“They see a Negro with a gun,”** said the lawyer, Anthony L. Ricco, describing the reactions of Mr. Bell, who was black, and his friends to Detective Isnora. **“Just another Negro on the street with a gun.”**

[...] In front of juries, lawyers are often hesitant to criticize those who died. Mr. Ricco appeared unconcerned about speaking ill of Mr. Bell while facing his audience of one, the judge. He described Mr. Bell as drunk and spoiling for a fight after the confrontation with the man outside the club. The man, identified as Fabio Coicou, seemed to criticize his drunkenness, and Mr. Bell went into an **“angry fit,”** Mr. Ricco said.

“He put on hold his dreams,” he said. **“He put his marriage to his high school sweetheart on the back burner.”**

[...] When Mr. Bell struck Detective Isnora with the car, “He **intended** to run the black man into the ground,” Mr. Ricco said.<sup>224</sup>

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Mr. Ricco all but described it as the next Sodom and Gomorrah: “A place where people go to drink, watch women shake their booties **and fulfill a sense of twisted sexual prowess.**”<sup>225</sup>

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Mr. Ricco seemed to purposely rile the witness, finally suggesting that he was easily provoked and probably became as upset outside the club as he was in court. **“You don’t take stuff off of people,”** Mr. Ricco said.<sup>226</sup>



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Mr. Coicou riled defense lawyers during cross-examination, answering questions with smart-aleck bravado. When one lawyer, Anthony L. Ricco — who once pronounced the witness's name, "**Kookoo**" — **accused him of using words he did not know the meaning of**, Mr. Coicou replied, "I'm just trying to be like you." When Mr. Ricco said, in closing, "**Stay out of trouble**," he said, "You too, boss."<sup>227</sup>

Excerpt from a *New York Times* interview with Mr. Ricco:

"I'm asking people to take a look **at lifestyle choices they're making that contributed to this**," Mr. Ricco added.

"**You need to think about going out on your wedding night and getting so damn drunk**," he said. "**You need to think about having someone else drive if you're drinking**."

"Should we not say, '**Why did Sean Bell put his foot on the accelerator?**'" he asked. "**Is that question out of bounds in this case? I think his parents want to know the answer to that question. I think his parents are very interested in what happened to their son.**"

[...] He **cajoled** a friend of Mr. Bell's who missed the argument that night because he was distracted by a dancer: "**You was more interested with the girl**." To another friend, he said: "When you **was** in the bar, you were watching **them girls on the stage**. You **wasn't** watching to see who was drinking, **was** you?"

In the interview, Mr. Ricco explained: "**I was a street person before I was a lawyer. Street people recognize other street people. You pick up on the real side of people very quickly**."<sup>228</sup>

In the statements above, Mr. Ricco uses harsh and accusing rhetoric in which he both directly and more subtly questions the moral and intellectual qualities of Mr. Bell and his friends: While the references to 'getting so damn drunk', 'a sense of twisted sexual prowess' and 'you were watching them girls on the stage' are a direct attack on the moral qualities of Sean Bell and the witnesses, the use of slang/incorrect grammar defames the character of the witness in a more intricate way. More specifically, the use of slang and incorrect grammar in the sentences above is an intricate form of circumstantial *ad hominem* argumentation as it subtly dismisses the testimony of the witnesses by the social class they are associated with ('street people'). This social class is portrayed in a derogatory way: While the use of 'bad' grammar indirectly discredits the intellect of this 'social class' (Mr. Ricco could also have picked up another aspect of urban slang, but he specifically chose to use incorrect grammar), the negative connotation of the word 'street' in 'street people', discussed in Subsection 3.2.1, questions the moral standards of the group of people to which Mr. Ricco is referring. The moral standards of the social class which Bell and his friends are part of are also questioned in Mr. Ricco's remark 'Just another Negro on the street with a gun'. In his explanation of his usage of slang, the references to 'the real side of people' and 'you don't take that stuff off of people' are also direct and harsh attacks on the moral qualities of the witnesses (and the group they are part of), as these sentences not only imply that Sean Bell's friends, as well as the people they are associating with, are

‘street people’, but also that they are trying to hide their background. On a broader note, Mr. Ricco refutes the attribution of ‘American values’ of sustained devotion, marriage and fatherhood to Sean Bell in the label ‘We love Sean Bell’, by saying ‘He put his marriage to his high school sweetheart on the back burner’. In the last fragment, Mr. Ricco again surreptitiously questions the intellect of the witness with the implied irreverent reference to ‘kook’ (a North American informal expression for a mad or eccentric person), and his accusation that Mr. Coicou is using words he doesn’t know the meaning of.<sup>229</sup> In addition, Mr. Ricco also questions the witness’ moral qualities with the patronizing remark ‘Stay out of trouble’. However, these remarks do not necessarily refer to the social class Mr. Coicou belongs to.

It is important to note that Mr. Ricco’s statements, to a degree, can be seen as courtroom tactics and thus do not necessarily reflect the perceptions held by the lawyer. However, the character of communication remains harsh either way. Mr. Leuci uses similarly aggressive methods:

***Just after the indictments (March 2007)***

Excerpts from the Op-Ed article by Mr. Leuci:

Here is what we know. Club Kalua is a topless bar in Jamaica, Queens — **a hotbed of narcotics, prostitution, gun sales and under-age drinking**. It was the early morning of Nov. 28 [*sic*], that time of night when police officers know that “**sporting life**” people are out and about.

At the club, an undercover detective overheard that Joseph Guzman, a member of Sean Bell’s party, had a gun and was about to use it. **Nothing new for Mr. Guzman**; he’d been convicted in an armed robbery during which the victim was shot at.<sup>230</sup>

Similar to Mr. Ricco, Mr. Leuci questions the moral background of the victims, but also the dubious background of the club, and the people who come there, thus using circumstantial *ad hominem* argumentation.

In the remainder of communication found in the *New York Times*, there is no discourse that matches the harshness of the statements above, or the way Mr. Ricco and Mr. Leuci contest intellect or moral qualities. Yet in the *New York Times*, the police defenders do attack the police critics for their background, as the analysis of this chapter has shown in different subsections. A few examples of such harsh communication, some of which have been discussed previously:

***At the time of the ‘shopping for justice’ protest march (December 2006)***

A *New York Times* excerpt:

Michael J. Palladino, president of the Detectives’ Endowment Association, also cited Mr. Sharpton’s role in that matter. “I think it’s all about credibility, something the **Rev. Al had forsaken a long time ago in the Tawana Brawley case**,” Mr. Palladino said. “He’s trying to deny our police officers their civil rights and due process. **But in the end, a grand jury will hear the evidence and they’ll come to a decision.**”<sup>231</sup>

### *Just after the indictments (March 2007)*

A *New York Times* excerpt on the opinion of random officers on the indictments:

A sergeant in Brooklyn with a decade in uniform waved off talk of fear: He is annoyed. For a grand jury to indict the three detectives in the shooting of Sean Bell just two days after two auxiliary officers were killed? That is a bitter draught to swallow.

The sergeant took a poke at a minister and a councilman who led the call for indictments, **whose names evoke snorts of disgust from some officers: “I’d like to see the Rev. Al Sharpton or Charles Barron chase down an armed gunman when they’ve got nothing but a stick.”**<sup>232</sup>

An excerpt from the Op-Ed by article Mr. Leuci:

Of course, this makes little difference to those like **Al Sharpton who have made careers out of demonizing the police**. Whenever something like this happens, the **professional police haters** will hold their rallies at 1 Police Plaza, people will come with signs comparing the department to the **Ku Klux Klan**. The signs are sometimes clever but **always mean-spirited** and reflecting **a calculated rage**; any thinking person knows that they are self-serving nonsense.<sup>233</sup>

### *In between the indictments and the trial*

Mr. Palladino after a brief court hearing:

Mr. Palladino said the detectives’ right to a fair trial had already been damaged by “**the acts and antics of people like Al Sharpton**,” who led protests of the shooting, and that a change of venue might be necessary.<sup>234</sup>

### *At the end of the trial (April 2008)*

A *New York Times* excerpt from Mr. Ricco’s closing arguments:

Apparently referring to Mr. Sharpton, who was in the courtroom briefly on Monday and left before Mr. Ricco began speaking, he said: “**Somebody wanted this case to come out and fit a script. They know who they are.**”

“**They turn their back on people like Giscard Isnora**,” using “**fancy radio shows**” and “**a network**,” he said.<sup>235</sup>

### *Personal interview held with Michael Palladino (October 2009)*

Mr. Palladino:

Now his [Sean Bell’s] buddy there, Guzman, that was another **farce** that Sharpton perpetrated, that the cops never identified [themselves, making the victims think] “We thought they were just male blacks with guns.” Right, but then on the witness stand, Mr. Guzman admitted on the witness stand they knew they were the cops the whole time. So the whole thing fell apart. **The whole farce fell apart**. And I just think it is pretty sad that this guy Sharpton — who once ran for the presidency in the United States, remember, he was running for mayor, he runs for all these positions of trust and integrity **and they tried to perpetrate a fraud on the court. They tried to deceive the court**. But it did not happen.<sup>236</sup>

First, the communication again shows that, according to police defenders, police critics convey unfair criticism, use unfair methods, and maintain unfair motives. In a similar way to police critics, the communication is not only harsh, it is also very personal: Al Sharpton (and to a lesser extent Charles Barron) are singled out in the accusations above. The statement of the anonymous sergeant for that matter is the closest reference to revenge made by police defenders in the *New York Times*. Although their rhetoric is not so much imbued with name-calling and direct verbal abuses as that of the police critics is, the communication still consists of harsh allegations (‘always mean-spirited’, ‘those like Al Sharpton who have made careers out of demonizing the police’, ‘the whole farce fell apart’, ‘tried to perpetrate a fraud on the court’), in which the character of those criticizing the police is defamed. Such allegations are, however, less harsh than those made by police critics, i.e. ‘Detective Cooper [...] You took a father and a husband’ and ‘Patrick Lynch is an asshole, he siding with the cops’ [*sic*]. To a degree, this discrepancy can be attributed to the defensive role police defenders have in the debate. Still, and similar to Mr. Ricco’s rhetoric, the examples above can be labeled as circumstantial *ad hominem* argumentation, as police defenders dismiss statements made by police critics by looking at their background (‘credibility, something the Rev. Al had forsaken a long time ago in the Tawana Brawley case’).

As a final point, the police defenders’ harsh communication can be seen as a product of the police defenders’ rigidly defined reality and specifically its inherent ‘us-versus-them’ sentiments.

### **Intricate defensive communication**

Apart from harsh rhetoric, police defenders also use other methods that are likely to have a (detrimental) effect on the perceptions, framings, and positioning held by other stakeholders — particularly police critics — which, in turn, can impact the overall development of debate. These methods are not direct attacks, but rather defensive moves and are therefore often indiscernible in the available discourse, as it is often what the police defenders refrain from saying that can also affect the outcome of debate, similar to the NYPD’s communication approach. For example, the indifference towards the measures proposed and arguments used by police critics, as discussed in Subsection 3.3.2, is a deflective communication method, that does not come to light by merely looking at the police defenders’ communication. In addition, the vehemence by which police defenders aim to secure the interests of the implicated officers and the rank and file in its totality when the NYPD tries to implement new measures, although discernible, can also be characterized as a defensive and deflective communication strategy. Lastly, the labels ‘A matter of seconds’ and ‘A tragic set of events’, which refute the magnitude of the labels ‘50 shots’ and ‘I am/We love Sean Bell’, can also be seen as deflective communication strategies.

On a broader note, the defensive police defenders’ communication is quite deflective, just like that of the Police Department. With the exception of the discourse that is directed towards the

witnesses in the courtroom, the police defenders tend to speak about the police critics in the third person and only rarely aim their communication directly at them. Take for example the following *New York Times* excerpt on Detective Isnora's speech after the acquittals:

*After the acquittals (April 2008)*

A *New York Times* excerpt:

Detective Isnora, who fired 11 shots and was acquitted of first- and second-degree manslaughter and other charges, spoke first, standing in a packed basement conference room at the headquarters of the Detectives' Endowment Association in Lower Manhattan. "Hi, good afternoon," he said, and then mumbled a bit before continuing, **"I'd like to thank the Lord Jesus Christ." He went on to thank his family and the judge in the case, Justice Arthur J. Cooperman. His remarks lasted less than 30 seconds.**<sup>237</sup>

In the statement above, Detective Isnora does not speak about the victims of the shooting at all. Such apparent indifference to the Bell family shows how the reality of police critics is deflected. On other occasions, the discourse does at first glance seem more apologetic, yet a closer look results in a different picture, as will be further discussed in the next subsection.

### Summary

In short, police defenders use harsh and confrontational communication strategies by which they attack those that criticize them, while using deflective and defensive rhetoric by which they secure the interests of implicated officers. The confrontational rhetoric is harsh, uncompromising, and emotional while imbued with allegations and circumstantial *ad hominem* argumentation. While the offensive rhetoric is similar to the police critics' communication, the defensive rhetoric resembles much more the NYPD's communication, ignoring arguments and proposals brought up by police critics, and speaking about this group of stakeholders in the third person.

### 3.3.5 Multiple hues: Conciliatory discourse

Although the police defenders for the most part position themselves inflexibly in the process ensuing after the Sean Bell shooting — maintaining a rigidly defined reality and outcome of debate in which there is only one version of the truth (i.e. 'innocence') and one possible outcome of the debate (fairness for the officers/acquittals) — there are certainly exceptions. Similar to the communication conveyed by police critics and the NYPD, the police defenders do not just hold a rigid definition of debate and reality, and they do not just apply harsh communication strategies.

The communication that seeks common ground is relatively sparse in comparison to the rigid communication predominant in the discussion so far. Such communication is exercised by all police defenders, yet in a different way from police critics and the NYPD. First of all, those within the core group of police defenders do not distance themselves from others supportive of the police in the way

police critics do (for instance Al Sharpton and Charles Barron) — which is in line with the ‘one clear voice’ approach of the NYPD. For that matter the group itself is less diversified and less occupied with political demarcation. This does not mean that there aren’t differences between members of the group of police defenders, as the following excerpt demonstrates:

*After the acquittals (April–May 2008)*

*A New York Times* excerpt on the rifts in black police unions:

The Guardians also have endorsed political candidates; in 2005, the group supported Fernando Ferrer in his challenge to Mayor Michael R. Bloomberg.

Inspector Swinton says the group has 2,000 black officers as members; the Police Department has almost 6,000 black officers among its roughly 36,000 members. The group meets on the third Tuesday of every month.

**“There was no special meeting on the Sean Bell shooting case,”** Inspector Swinton said. **“There was just slight discussion.”**

Even within the Guardians, there were those who did not agree with Inspector Swinton, who attended the trial to show his support for Detective Cooper. (Detective Cooper is a member of the association; Detective Isnora, the other black officer who faced trial, is not, Inspector Swinton said.)

**“Some members say we should support Cooper, some say we should stay neutral,”** Inspector Swinton said. **Others said that they were tired of hearing of black citizens being shot by the police** and that **“we should have supported the family,”** he said, **referring to the Bells.**

In the past, the Guardians have been criticized by some black officers, including its own members, for not standing up enough to the police hierarchy. State Senator Eric Adams, a former police officer and Guardians official who is a founder of 100 Blacks in Law Enforcement Who Care, said of the Guardians, “Even if they believe the officers did not do anything wrong, they should have demanded some reforms.”<sup>238</sup>

The excerpt above shows how there might be rifts within the group of Guardians, but that the group is communicating in ‘one clear voice’ through its leader Victor Swinton. On a broader note, the excerpt shows how diversified the positioning held by individual police officers is.

The character of the communication that seeks common ground matches the dual-layered, yet rigidly defined outcome of debate, as well as the overall subtleness and intricacy by which the perceptions, framing and positioning are incorporated in communication. As a consequence, the dichotomies found in the communication conveyed by police critics (such as ‘we are right’ versus ‘we can be wrong too’) are not found in the police defenders’ communication. Instead, and similar to that of the NYPD, communication that seeks common ground is entwined with communication that does not. This analysis looks at both the gradations of discourse that seeks common ground, and the way apparent coalition-oriented discourse can be dual-layered. The following segments show such amalgamations of (often dual-layered) discourse.

### **Apparent flexibility in reality: ‘A set of events’ versus ‘a horrible tragedy’**

The most profound example of how police defenders appear to show understanding for the reality felt by police critics is the use of the word ‘tragedy’, or in a broader sense the label ‘A tragic set of events’. This label, researched in Subsection 3.1.3, requires a second glance for that matter:

#### ***Before the indictments (March 2007)***

Mr. Palladino speaking about the conduct of the officers:

“My position is today what it was from the beginning. [...] Although it is **a tragic set of events, it does not rise to the level of criminality.**”<sup>239</sup>

Mr. Culleton speaking about the grand jury testimony of Detective Oliver:

Detective Oliver testified for about two and a half hours before the grand jurors yesterday, Mr. Culleton said. The detective did not respond to reporters’ questions as he left at 2 p.m.

[...] Mr. Culleton, Detective Oliver’s lawyer, said he hoped the grand jurors would apply the law to the evidence they have heard. “They will conclude that while this shooting **was a horrible tragedy for all involved, especially Sean Bell and his family, that no crime was committed by Detective Oliver or any of the officers involved.**”<sup>240</sup>

#### ***During the trial (March 2008)***

A *New York Times* excerpt on Detective Isnora’s testimony:

“**Before I finish, I want to explain to you that in my time as an undercover, I had many dangerous situations where I have been robbed. [...] I never fired my weapon before. I never had any intentions in my career, actually, of even thinking of doing that.**”

[...] “**I pray for everything. I pray for all the individuals that night.**” [...] “**I wish the vehicle had stopped, you know, and I wouldn’t have been here, but I felt I had no choice.**”<sup>241</sup>

Most of the quotes above have been discussed before, as they are all part of the label ‘A tragic set of events’. The dual-layered character of this label in itself shows how communication that seeks common ground in the perceptions held by police critics and defenders is combined with communication that does not. More specifically, while the ‘tragic’ component within this label does match the victimization perceived by police critics as well as the emotionally charged reality of which this sense of victimization is part, the universality of the label (including the implicated officers) disregards the culpability question. Moreover, the nondescript and clinical ‘set of events’ component clearly does not match with the police critics’ perception either, as it is not emotionally charged, and moreover, is an indistinctive way of characterizing the shooting, especially with respect to the assignment of blame. In the quotes, the reference to the ‘tragedy’ is for that matter linked to sentences that dismiss police culpability (‘it does not rise to the level of criminality’ and ‘no crime was committed’). In addition, the quotes show how communication that seeks common ground is

combined with communication that fits within the self/police-centered framing delineated by the concerns, feelings, thoughts and previous experiences of (the implicated) police officers. For instance, Detective Isnora combines the remark ‘I pray for everything. I pray for all the individuals that night’ — part of the label ‘A tragic set of events’ — with the self-centered interpretative framing ‘I wish the vehicle had stopped, you know, and I wouldn’t have been here, but I felt I had no choice.’

Thus, the discourse associated with the ‘tragic set of events’ label at first glance appears to seek common ground with the ‘50 shots’ and ‘We love/I am Sean Bell’ reality held by police critics, but in fact only does so on a limited basis, merely alluding appealing to the emotions and hurt felt by all, and thus in fact diminishing the magnitude of the emotions and hurt felt by police critics.

### **Apparent flexibility in truth and culpability: ‘We are right’ versus ‘expressions of regret’, ‘non-apology apologies’ and other seemingly conciliatory talk**

Within the rigidly defined reality, police defenders for the most part maintain a strict delimitation of the truth, while insisting on ‘being right’. It is interesting to see whether police defenders, just like police critics, in some instances do acknowledge personal flaws, or flaws of the group the defender is part of.

It is striking that within the *New York Times*, the police defenders on no occasion acknowledge personal fault in regard to their positioning in the debate (in contrast to the police critics who on some occasions do so), nor do the police defenders ever question the overall conduct of the police. The only cues for ‘we can be wrong too’ can be found in the following statements:

#### ***During the grand jury process (March 2007)***

An excerpt on the background of Detective Isnora:

According to an acquaintance, Detective Isnora, 28, has been undercover for most of his career, which began in July 2001, and he has 50 or 60 arrests — a relatively low number because he usually leaves before arrests are made to maintain his cover. Undercover officers wear street clothes, usually carry no gun, wear no badge or bulletproof vest, and travel in battered rental cars. And their work can be dangerous.

In the days after the shooting, the acquaintance said that Detective Isnora **felt bad for Mr. Bell’s family but that he believed he was in mortal danger on Nov. 25** when he opened fire, the first time he had done so in the line of duty.<sup>242</sup>

#### ***During the trial (March 2008)***

Excerpts from Detective Oliver’s testimony:

“Unfortunately as a result, sometimes people die, **and it was the last thing in the world I ever wanted to do**, was to kill someone or to hurt someone in their family,” he said. “I have to live with that also for the rest of my life.”<sup>243</sup>

#### ***After the acquittals (April 2008)***

*New York Times* excerpts on Detective Marc Cooper’s acquittal speech:



Detective Marc Cooper spared no gratitude after his acquittal in the Sean Bell shooting, using a news conference to thank the Lord, his lawyers, his family, his union and Victor Swinton, the president of the Guardians Association, a fraternal organization for black police officers formed more than 60 years ago.<sup>244</sup>

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“I’d like to, uh,” he said, and then stopped. Seconds ticked by. His hands nervously worked the sides of the lectern, back and forth, back and forth, before he raised his head and picked up midstream, “**say sorry to the Bell family for the tragedy,**” he said. “**I’d like to thank the Lord, my savior, for today. This is the start of my life back.**”<sup>245</sup>

The excerpts above show how the police defenders seem to apologize (mostly indirectly) for the shooting. These apologies, however, are again examples of the dual-layered intricate character of the police defenders’ communication. In the second quote, Detective Oliver expresses regret for fatally shooting Mr. Bell (‘it was the last thing in the world I ever wanted to do’), but he also, indirectly, says he does not regret his own actions leading up to the death (‘Unfortunately as a result, sometimes people die’). His expression of regret can be seen as a communication method that deflects culpability and furthermore is combined with a self-centered framing dominated by his personal concerns (‘I have to live with that also for the rest of my life’).

While Detective Cooper’s statement on the surface appears to be a more direct ‘sorry’, in fact he does not apologize for his own actions either. This ‘non-apology apology’ is another communication method that deflects culpability by the use of ‘the tragedy’ as agent, making the event itself the main culprit of the hurt felt by all involved, and not Detective Cooper. It is also important to note that Detective Cooper, again, combines the apparent apology with a self-centered framing (‘This is the start of my life back’).

Detective Isnora’s statement is also not a direct apology. While he is not literally quoted, his remark does not go much further than ‘to feel bad’ for Mr. Bell’s family, which is more an expression of sympathy than an apology.

Expressions of sympathy are also made by Mr. Ricco and Mr. Palladino:

#### ***At the end of the trial (April 2008)***

A *New York Times* excerpt on Mr. Ricco’s closing arguments:

Mr. Ricco appeared **to try to extend an olive branch to Mr. Bell’s parents**, who have listened to him criticize their son’s behavior that morning many times over the seven weeks of trial.

“**No parent should have to go through what Sean Bell’s parents have gone through,**” he said. “That is no courtroom tactic. **That’s one parent to another.**”<sup>246</sup>

#### ***After the acquittals (April 2008)***

Mr. Palladino on the acquittals:

After offering his **sympathy to the Bell family, Mr. Palladino quickly followed with a defense of the detectives**, and of police work.<sup>247</sup>

Although both Mr. Palladino and Mr. Ricco in the quotes above do express sympathy for the Bell family, these expressions are not paired with statements on culpability. Instead, Mr. Palladino ‘quickly followed with a defense of the detectives’, again combining communication that seeks common ground with self/police-centered talk. Mr. Ricco’s remark seeks far more common ground for that matter, as he relates to the Bell family as ‘one parent to another’. However, as the lawyer leaves unsaid who is responsible for ‘what Sean Bell’s parents have gone through’, and he has been critical about their son’s behavior, it is possible that he might even be indirectly implying that Sean Bell himself bears responsibility for his parents’ suffering.

Different in nature is the following remark made by the president of the Sergeants Benevolent Association, as it does not refer to the shooting itself but to alleged wrongdoing by police defenders in the process ensuing after the shooting:

#### ***After the acquittals (April 2008)***

A *New York Times* excerpt on an anonymous taunting phone call to the Bell family:

Ms. Paultre Bell’s father said that the family received a taunting telephone call Friday afternoon and that the caller identification suggested it came from someone at the Sergeants Benevolent Association, a police supervisors’ union. The association’s president, Edward D. Mullins, said he would investigate. **“If it happened in our office, I want to know who did it,”** he said.<sup>248</sup>

In the statement above, Mr. Mullins promises an action-oriented approach to find out who made the phone call. This approach itself can be labeled as seeking common ground, as it does not condone the behavior that police critics’ condemn (captured in the police critics’ label ‘I am Sean Bell’). However, he does not acknowledge that the phone call actually took place in his office. There is no follow-up on this story in the *New York Times*.

So, while the police defenders on a superficial level appear to apologize for the shooting and show sympathy for the victims, they only do so on a limited basis. Moreover, they deflect culpability and in one instance might even suggest that Sean Bell himself is culpable.

#### **Flexibility in outcome of debate: Refusal versus acceptance of reality conflicting measures**

The desired outcome of debate in itself is an example of the intricate amalgamation of coalition-oriented discourse and non-coalition-oriented discourse. As discussed in Subsection 3.3.1, the first layer of the desired outcome of debate alludes to the equality of all, while the second layer alludes merely to the fair treatment of the officers.

There are also more specific examples of communication that appears to be more flexible in the outcome of debate. For instance, while Subsection 3.3.2 has demonstrated how union leaders

contest measures that conflict with the desired outcome of debate and the rigidly defined reality dominated by the concerns, feelings, thoughts and previous experiences of the implicated officers, individual police officers do not necessarily agree with this stance, as the following quotes demonstrate:

*After the NYPD sobriety test proposal (June 2007)*

Individual police officers' reaction to the NYPD's decision to adopt sobriety test measures:

**"Whatever the rules are, that's what I follow,"** said one officer as he mounted a police motorcycle outside the 70th Precinct station house. Another officer said: **"I don't have a problem with it. I don't drink, so no big deal."**

And a third officer said: **"I think it's a good thing. Anything that makes the public feel more at ease and lifts the cloud over police shootings is a good thing."** He paused and added: **"The only downside is if a police officer is inebriated. No police officer should ever be inebriated at any time."**<sup>249</sup>

The quotes above show the profound differences in the perceptions, framings and positioning constructed and held by individual officers. While the first officer interprets the new rule within a 'process and guidelines' framing similar to that held by the NYPD, the second officer interprets the shooting in terms of the self-centered framing dominated by personal concerns, feelings, thoughts and previous experiences. However, as the new sobriety measures do not conflict with his personal concerns, the officer says he doesn't 'have a problem with it'. Conversely, the third officers' remark truly seeks common ground between his personal concerns ('anything [...] that lifts the cloud over police shootings is a good thing') and the perceptions and interpretative framing of police critics ('Anything that makes the public feel more at ease [...] is a good thing'). Although he does recognize a drawback to the rule ('The only downside is if a police officer is inebriated'), which fits within the self-centered interpretative framing of personal/police concerns, he pairs this with an affirmation of the need for such new guidelines ('No police officer should ever be inebriated at any time').

Thus, of the remarks above, only the third remark seeks common ground with the perceptions and interpretative framings held by police critics.

**In retrospect: persisting dual-layered talk**

In the interview conducted with Mr. Palladino in October 2009, the union leader also appears to convey statements that are conciliatory, but yet again, the communication is dual-layered. The following two excerpts exemplify this:

*Personal interview held with Michael Palladino (October 2009)*

Mr. Palladino responding to the question of if, in retrospect, he would have done anything different:

**No I wouldn't have done anything different. I think that the union did everything we could do because my focus was this: that I wanted to defend my detectives. I wanted to**

disseminate the right information and counteract the disinformation and at the same time I needed to be very cautious to **not upset the public, not incite the public** and I needed to also measure my words and every inflection in my voice because I did not want to say or do anything wrong that would injure the detectives' due process right going forward either. So it was a very, very stressful tense eighteen months' period, because I too feel that I must conduct myself in a manner to represent the detectives but yet **not to create disharmony in the streets of New York City between the public and the police**. So it is a very tight rope, so to speak, to walk.

Mr. Palladino responding to the question of how he feels about police critics saying he blindly defended the police, and that he was insensitive to the community:

Well, **I think it may have come across that way** because I had a good handle on the facts on what really happened and I thought that I was very ... **I said many times that our hearts go out to the Bell family and it is definitely a tragedy anytime a young person loses his life but at the same time I had a good working knowledge of the facts and knowing the facts as I know them**, then ... when there is emotion involved ... whoever this lady is [the interviewer had referred to the criticism conveyed by Delores Jones-Brown] ... **sometimes they don't want to hear the facts. And I understand that**, having been in the police force for so many years **I understand that**. Sometimes people get emotional and they don't want the facts to get in the way, but that is my role especially when the facts are being distorted. My role is to **bring it back to the middle, so to speak, bring back reason because it was getting unreasonable. Unreason was prevailing over reason and I needed to bring it back. So some people may have felt that I was heartless or insensitive but we weren't. I can understand someone emotionally involved in the case to feel that way.**

Mr. Palladino characterizing the shooting as a tragedy:

And it was **tragic, believe me, nobody wanted that to happen. The last thing the detectives wanted to happen, the last thing they wanted to happen was that**. But, you know, in the examination of facts, it is unfortunate, **and I don't want to sound cold**, but **Sean Bell contributed greatly to his own demise**. If he simply would have listened to — this is a good point, this is a very important point, if he would have listened to the undercover detective, who came over to him to pull the car over, if he simply would have pulled the car over, there was no gun in the car, or we never found a gun right. So, if he simply would have pulled the car over, he would be alive today. Instead, and only Sean Bell knows, we'll never know what was in his mind. Instead, he decides to ram that cop.<sup>250</sup>

The first excerpt contains both conciliatory and non-conciliatory elements. While Mr. Palladino conveys a rigidly delimiting reality concerning his own conduct ('I wouldn't have done anything different', 'the union did everything we could do'), he does appear to present a broader delimited desired outcome of debate ('not to incite the public', 'not to upset the public', 'not to create disharmony') that extends the focus from just the police officers to the public at large. However, the union leader also says that he does so for the benefit of the officers ('my focus was this: that I wanted to defend my detectives'). For that matter, he is not so much concerned about the public itself, but more about the effect his communication can have on the police in street encounters ('not to create disharmony in the streets of New York City between the public and the police'). This apparent stakeholder-centered approach thus serves the self-centered and delimiting outcome of debate, captured in the label 'fairness for all officers'.

The second excerpt is also dual-layered. While the union leader shows understanding for the perceptions of police critics ('I think it may have come across that way', twice 'I understand that'), he downplays the value of these perceptions, maintaining they are emotionally charged ('I can understand someone emotionally involved in the case to feel that way'). The union leader for that matter interprets the insensitivity perceived by police critics merely as communication that hurts their feelings, rather than communication that is in conflict with their held reality at large. He delineates a schism between facts and reason on the one side and emotions and 'unreason' on the other, thus in fact denouncing the reality held by police critics, while, on the surface, showing understanding for it. Moreover, Mr. Palladino combines an expression of compassion ('I said many times that our hearts go out to the Bell family',) with the universal notion of 'a tragedy' ('it is definitely a tragedy anytime a young person loses his life'), while indirectly saying their criticism was ungrounded, and that the implicated officers were innocent ('but at the same time I had a good working knowledge of the facts and knowing the facts as I know them').

In the third excerpt, the union leader also uses the universal notion of 'a tragedy', with a self-centered interpretation of the event ('believe me, nobody wanted that to happen. The last thing the detectives wanted to happen, the last thing they wanted to happen was that') and with images that focus on the culpability of Sean Bell ('and I don't want to sound cold, but Sean Bell contributed greatly to his own demise').

Thus, while the communication appears to be conciliatory, he does rigidly defend the officers' conduct, and does not give in to criticism.

### **Summary**

In summary, this subsection has demonstrated how communication that appears to steer a middle course is often dual-layered, combining less rigid definitions of debate and reality with more rigid ones. The police defenders' communication can be divided into four gradations, which in part resemble those discussed for the NYPD:

1. Communication that is not coalition-oriented, and does not appear to be either. This includes the confrontational, non-coalition-oriented discourse, which occurs frequently in the police defenders' communication.
2. Communication that appears to be coalition-oriented, as it seeks common ground with the reality held by police critics, but on a deeper level does not. Moreover, on this deeper level the communication aims to deflect culpability, and in some instances even dismisses the perceptions, interpretations, and positioning held by police critics. Strategies such as the 'non-apology apology' and the 'expression of regret' for that matter can be seen as either spontaneous or strategic forms of communication aimed at deflecting culpability, while appearing to seek common ground.

3. Communication that appears to be coalition-oriented, as it appears to seek common ground between personal concerns and the perceptions and interpretative framing of police critics, but on a deeper level is only to a certain extent coalition-oriented, as it remains part of the broader self-centered framing of personal concerns, feelings, thoughts and previous experiences.
4. Communication that is coalition-oriented, as it truly seeks common ground between personal concerns and the perceptions and interpretative framing of police critics.

While the first and second types of communication are pervasive in the police defenders' communication, type 4 is the least common. On a rhetorical level, the communication in gradations 2–4 is less harsh and accusing than other communication discussed so far.

### **3.3.6 Conclusion**

This section has demonstrated how the positioning of the police defenders is intricately dual-layered in nature: while on a superficial level the positioning often appears to be flexible and to seek common ground, on a deeper level the positioning is characterized by rigidity, harshness and deflection, while driven by third-person emotionality and filtered by self-centeredness.

Rigidity can be found in different aspects of the positioning held by police defenders. The positioning is first characterized by a rigidly defined and passionately fought outcome of debate, captured in the dual-layered label 'All police officers deserve fairness', which on a deeper level comprises exoneration of the implicated officers and putting a halt to (unfair) criticism towards the police at large and those that defend them. Second, the rigid positioning held by police defenders is also characterized by a rigidly defined 'us-versus them' reality concerning the shooting and the role of stakeholders in this, in which no other interpretations, perceptions and viewpoints are possible, and in which solutions presented are either ignored or refuted if they conflict with the concerns of the police. In sum, rigidity can be found in the definitions for the desired outcome of debate, the prerequisites for the debate to come to an end, the negotiation space, the realities, truths and solutions contested in regard to the shooting and its broader framings; this is similar to the rigid positioning held by police critics.

This results in an overall 'us-versus-them' positioning in which a dual-layered, victimized, supportive and understanding 'us', and a perpetrating, criticizing and non-understanding 'them' — although flexible in composition — are still pitted against each other.

Third-person emotionality, also captured in the label 'All police officers deserve fairness' and its inherent victimization, is the starting point of debate and the driving force of response: Police defenders are driven by empathy with the police, while keeping a more factual stance than police critics. Similar to police critics, the use of emotion for that matter can be seen both as a form of spontaneous PR discourse aimed at conveying felt emotions and as a form of strategic PR/judicial

discourse aimed at amplifying the magnitude of the case and creating a state of urgency (agenda-setting), but also at ‘blackmailing’ other stakeholders. However, the third-person emotionality only marginally leads to an emotionally charged ‘us-versus-them’ positioning, in contrast to the reality held by police critics. Although victimization and blame are profound elements in the positioning held by police defenders, the ‘third-person emotionality’ prevents emotional escalation.

In addition, the self-centered perspective serves as a filter through which actions are perceived, assessed, and responded to, again captured in the label ‘All police officers deserve fairness’.

Harshness and deflection, in turn, can be found in the rhetorical and communication strategies, but also in the dual-layered nature of the discourse, in which actual harshness is often deflected by intricate methods.

Although the positioning of police defenders at first glance seems to seek more common ground than that of the police critics and the NYPD, its dual-layered character, in which less rigid definitions of debate and reality are combined with more rigid ones, and in which seemingly conciliatory talk in some instances actually dismisses the perceptions, interpretations, and positioning held by police critics, results in a distorted image. Most of the discourse remains uncompromising and rigid.

There is no central figure that determines the positioning of the police defenders. Mr. Palladino does take an ‘expert layman’ positioning similar to Mr. Sharpton, but he does not influence the positioning of police defenders in the way the reverend does with respect to the police critics, for instance by perpetuating labels such as ‘No justice, no peace’. Instead, the positioning is determined by a core group of police defenders, who are not as diversified as the eclectic group of community leaders, and position themselves in a less blatant, more intricate manner.

Location and time are important factors in the positioning of police defenders: ‘debate’ and ‘reality’ challenges lay bare the deeper-layered rigid positioning, victimization, and ‘us-versus-them’ reality, while also exposing cracks in their confidence in the criminal justice system.

### 3.4 Conclusions and outlook

This chapter has examined the police defenders' communication in the debate that followed after the Sean Bell shooting. The overall communication of police defenders can be characterized as intricate and on a deeper level polarized, with an almost hidden 'us-versus-them' schism subtly molding labels, framings and positioning.

The 'us' component is a product of the self/police-centered framing delineated by the concerns, feelings, thoughts and previous experiences of the implicated officers — or in a broader sense all police officers — and is placed within a historical and organic pattern of proper training, strict guidelines, strong leadership and a display of restraint and astute assessment in dangerous and chaotic interactions, in which the officer is rather a victim than a perpetrator of the dangerous situation inherent within this interaction. In addition, the 'us' component is also placed within a pattern of police suffering, victimization, and a weakening of the criminal justice system. The 'us' component is furthermore subtly fuelled by the labels 'A matter of seconds' and 'Every day is hell for these guys', both exuding the (third-person) emotionality, victimization, humanization and 'goodness' of the officers, and the police force in its totality. The 'us' group is flexibly delineated by support, understanding, fraternal/police kinship and victimization.

The 'them' component, in turn, is a product of the broader historical and organic interaction process that entails danger and chaos, as well as of the (perceived) pattern of prolonged and profound 'unfair' criticism, methods and motives instigated by 'them'. The 'them' component is fuelled by the impersonal aspects of the label 'A tragic set of events', dismissing the highly personalized images of the shooting's victims, as well as the communal pain felt by police critics. It is also fuelled by the bad connotations engendered by the expression 'street people', as well as negative references to intellect, moral qualities, and general background. The 'them' group flexibly consists of those expressing (unfair) police criticism, or displaying non-understanding and non-support. Its core is depicted as a group of 'professional police haters'.

Combined, the 'us-versus-them' schism is a product of the polarized interpretative framing of unfair criticism, methods and motivation on the one hand and the fight against this unfairness — as well as the victimization felt — on the other. The schism is subtly exacerbated with the images of a depersonalized yet morally questionable 'them' and a humanized and morally impeccable 'us'.

Such polarization, although subtly and intricately conveyed, results in an overall uncompromising, rigidly defined, dual-layered, harsh and deflective 'us-versus-them' positioning, in which debate and reality are strictly delimited, in which there is barely any leeway for negotiation or alternative interpretations/solutions, and in which harsh and deflective communication strategies are used that either exacerbate or deflect this schism. These strategies include personal attacks, amplification, self-victimization, emotional blackmailing, ridiculing, use of irony, and the questioning



of the trustworthiness of other critics while suggesting they use unfair strategies (circumstantial *ad hominem* argumentation), but also more deflection methods such as third-person references, the deliberate shielding from another reality/ignoring the argumentation of other stakeholders, the ‘non-apology’, the ‘non-apology apology’ and ‘the expression of regret’. The ‘us-versus-them’ schism is infused in the vocabulary, which is marked by uncompromising, amplifying and emotional words and by a profound accentuation of the words ‘we’ and ‘they’.

There is no central figure influencing, catalyzing and communicating the perceptions, framings and positioning held by police defenders. Instead, there is a dominant group of spokesmen, comprising the lawyers of the implicated officers and union leaders, who are not politically diversified and therefore have similar roles in the debate, conveying similar perceptions and framings, and maintaining a similar positioning. These spokesmen, in turn, not only convey the perceptions, framings and interpretations of the implicated officers, but also to a degree represent that of the rank and file at large. The disparities in the police defenders’ communication can in part be attributed to the specific roles of different segments. For instance, while the lawyers use judicial discourse, other segments are less likely to do so.

Time is an important factor in the police defenders’ communication, as debate dynamics expose the hidden layers: The perceptions, framings and positioning that make up the ‘us-versus-them’ schism are more profoundly visible when debate and reality challenges occur. Location also impacts on the debate: Courtroom rhetoric (to a degree deliberately) exacerbates the ‘us-versus-them’ schism, while communication outside of the courtroom appears to be more coalition-oriented. It is also important to note that police defenders only make use of a few communication channels, while the implicated officers and the rank and file are kept out of the public eye, which results in communication that is possibly less harsh, confrontational and emotionally charged.

The analysis of the police defenders’ communication reinforces the previously made observation that labels, framings and positioning to a great extent interact with each other: while interpretative framings produce labels and function as the departure point of the positioning, labels serve as a subtle catalyst for these framings and positioning, while this positioning in turn can further enhance the use of labels and the interpretations constructed by stakeholders.

How have the perceptions, framings and positioning held, constructed and conveyed by police defenders — either negatively or positively — influenced the process of debate that ensued after the Sean Bell shooting? Similar to police critics, the rigidly defined outcome of debate and broader realities, as well as the harsh and deflection communication exercised, are not coalition-oriented and do not seek common ground. It is likely that such positioning affects the process of debate. In addition, the flexible composition of ‘them’ in combination with its rigid characterization as a perpetrator of unfairness and the police defenders’ victimized response to this group suggests that criticism in itself is rejected no matter who gives such criticism or what the nature of the criticism is.

This, in turn, together with the held perceptions, framings and positioning of others could result in a deadlock situation in the debate.

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## Analysis for Chapter 4: Political stakeholders

This chapter examines the communication by the chief city and chief state administrators of New York, Michael Bloomberg and both Governor George Pataki and his successor Governor David A. Paterson, in the debate that ensued after the Sean Bell shooting.

While each of these administrators has a political role in the debate, the mayor holds a more primary role than the two governors, as he is the chief administrator responsible for city services, of which the New York Police Department is a part, and moreover, he has the power to appoint and remove the heads of all city executive branch agencies, including the police commissioner.<sup>1</sup> Mayor Bloomberg is thus a key player in the Sean Bell debate

This chapter will thus focus mainly on the perceptions, interpretations, and positioning conveyed by the mayor and his spokesmen. Although the governors and the mayor do convey different messages on the shooting and ensuing processes, the quantity of communication conveyed by the governors in connection with the Sean Bell shooting is so marginal that a comparison can barely be made. The communication conveyed by the two governors will hence be discussed in a short section at the end of this chapter.

The nature of the mayor's communication is different from other stakeholders discussed and thus comprises a unique set of research challenges. To start with, the mayor's communication is not homogeneous in nature. Similar to police defenders, the mayor conveys mixed — sometimes conflicting — messages on held perceptions, interpretations and positioning. This makes it more difficult to determine a pattern in his communication.. However, while the discourse of the police defenders is dual-layered, the mayor's is not. In addition, the mayor does not communicate as often as the police critics and police defenders do, which limits the amount of data available for research. The mayor, like the police commissioner, speaks out only at key moments in the aftermath of the debate. However, Mayor Bloomberg is much more outspoken than the police commissioner, which in turn facilitates research into his communication. The analytical frameworks chosen to anticipate these research challenges will be discussed in the introductions to the sections ahead.

In previous chapters a distinction was made between spontaneous communication and strategic PR/judicial communication. Because the mayor's communication does not particularly fit in the latter, as it does not have a pro/anti-police agenda-setting or deflective character, but is still at times strategic in nature, this chapter introduces a new type of communication, i.e. a strategic premeditated communication approach aimed at safeguarding and accomplishing particular communication goals.

Mayor Bloomberg's communication particularly will be compared to that of the NYPD, as both bear responsibility for the Police Department, and thus could take similar roles in the debate. Yet while the communication of both at first glance shows some resemblances, the mayor's

communication profoundly differs from that of the police commissioner as will be further discussed in this chapter.

## 4.1 Perceptions and images

It is somewhat challenging to lay bare the perceptions held by the mayor. A reason for this can be found in the fact that the *New York Times* mainly quotes the mayor on key moments in the aftermath of the shooting, similar to Police Commissioner Kelly. In between key moments, he seldom makes statements in connection to the Sean Bell shooting.

However, on the occasions that the mayor does make such statements, he is relatively candid and outspoken on how he perceives the shooting in its totality as well as specific aspects of the shooting, in particular the people who were involved. This differs starkly from the evasive and nondescript communication practiced by the NYPD. Moreover, the perceptions that he conveys are not static and repetitive, unlike that of other stakeholders. On the contrary, throughout the aftermath of the shooting, the mayor conveys a broad spectrum of different perceptions of multiple aspects of the incident. Thus, while the police defenders' perceptions appear to be diverse, due to the dual-layered character of communication, the mayor's perceptions are more eclectic than they are dual-layered.

This unique character of the mayor's perceptions results in some research challenges. While the outspoken approach of Mr. Bloomberg makes it easier to distil perceptions, similar to the easy-to-digest messages conveyed by Mr. Sharpton, the limited amount of times the mayor speaks out, as well as the transitory and diverse nature of the mayor's communication make it harder to characterize the discourse and to capture the perceptions held by the mayor in labels. It is also harder to distinguish between the reasons for the transitory nature of perceptions and the perceptions themselves, similar to such distinctions in the evasive communication conveyed by the NYPD. Also, perceptions of the victims and the implicated officers are very much entwined in discourse, and thus hard to separate. Hence the analysis of this subsection is structured chronologically rather than thematically — in order to scrutinize the roots for the transitory and eclectic nature of Mr. Bloomberg's perceptions. Because his perceptions of the shooting and those involved in the shooting are frequently entwined, they will not be separated in the analysis. While this section focuses mainly on the nature of the perceptions and not on the reasons for this specific nature (as further discussed in Section 4.3), a complete separation of both research threads is impossible.

Also noteworthy is how the mayor rarely conveys images of himself in the selected *New York Times* articles. While this might be different in other media, this lack of self-images in the *New York Times* shows how the mayor's communication does not focus on such images. The following analysis will thus not focus on self-perceptions, as has been done in previous chapters, but rather examines why these perceptions do not occur.

#### 4.1.1 From ‘unacceptable’ to ‘a tragedy’: Dynamic event-based perceptions

The first perceptions communicated by Mr. Bloomberg occur straight after the shooting and can be found in the written statement disseminated to the press on the night after Sean Bell was shot:

##### *Just after the shooting (November 2006)*

Official statement made by Mayor Bloomberg (November 25):

“Although it **is too early to draw conclusions** about this morning’s shootings in Jamaica, Queens, **we know that the NYPD officers on the scene had reason to believe that an altercation involving a firearm was about to happen and were trying to stop it.** Commissioner Kelly, Deputy Mayor Walcott, and I have been in touch with community leaders throughout the day to hear their concerns and update them on **what we know**, and we will keep them informed as this investigation continues.”<sup>2</sup>

This initial reaction — conveyed on the day of the shooting — shows resemblances to Mr. Kelly’s response regarding the perceptions conveyed on what happened that day. More specifically, the mayor does not give any details on the shooting itself or on the victims, and instead uses nondescript words such as ‘the scene’, ‘an altercation’ and ‘it’ to describe the shooting and the events leading up to it, without mentioning the number ‘50’, or other striking details. His statement, in particular the vocabulary used, is in line with the Police Department’s depiction of the shooting as ‘this event’. Although Mr. Bloomberg acknowledges that the community leaders have ‘concerns’, he does not specify them.

Conversely, the mayor’s portrayal of the officers involved in the shooting is more detailed than that of the shooting at large. More specifically, in his brief statement he focuses on a possible explanation for why the officers fired (‘the NYPD officers on the scene had reason to believe that an altercation involving a firearm was about to happen and were trying to stop it’). This particular focus is in line with the scattered images conveyed by the NYPD (‘seconds’, ‘order’, and ‘peace’), as well as with the police defenders’ label ‘A matter of seconds’, yet it is less specific, emphatic and rigid than both, especially the latter. On a rhetorical level, the mayor does distinguish between ‘us’ and ‘them’, but he does not attribute any perceptions or values to either. The distinction thus says more about the positioning of Mr. Bloomberg in the debate, as will be scrutinized in Section 4.3, than it does about the perceptions the mayor holds on ‘us’ or ‘them’.

It is important to note that the mayor’s initial perception of the shooting is based on ‘what we know’, as he emphasizes in the statement above. This particular observation gives more insight into the rigidity of the reality held by the mayor, further discussed in Subsection 4.3.2, but also provides an explanation for the transitory character of the perceptions conveyed by Mr. Bloomberg, as opposed to that of the police commissioner. While the police commissioner similarly says his perceptions are based on ‘what we know’ the police commissioner’s perceptions are not transitory, whereas the mayor’s are.

This becomes clear very shortly after the first statement, when more information becomes available on what happened on the night of the shooting. Mayor Bloomberg then conveys a different, more specific and detailed perception of the events that occurred on November 25, 2006. He does this in a press conference of about 40 minutes surrounded by community leaders such as Mr. Sharpton and Mr. Barron. During this press conference, he communicates at first in moderate terms about the shooting, similar to discourse labeled ‘this event’, but in the Q&A following the session he is much more outspoken.<sup>3</sup>

Mainstream newspapers, including the *New York Times*, mainly quote the following excerpts from the conference:

### ***Just after the shooting (November 2006)***

Excerpts on the press conference held at City Hall (November 27):

Mayor Michael R. Bloomberg convened an extraordinary meeting of black religious leaders and elected officials at City Hall yesterday to calm frayed tempers over the fatal police shooting of an unarmed black man in Queens, calling the circumstances “**inexplicable**” and “**unacceptable**.”

“It sounds to me **like excessive force** was used,” the mayor said of the conduct of the officers, who fired 50 shots outside a Queens nightclub early Saturday, killing Sean Bell, 23, hours before he was to be wed, and injuring two others. “**I can tell you that** it is to me **unacceptable** or **inexplicable** how you can **have 50-odd shots fired**.”

[...] The mayor’s decision to meet with Mr. Sharpton and other black leaders was a stark turnabout from the approach of Mr. Bloomberg’s predecessor, Rudolph W. Giuliani, who did not reach out to black leaders in the immediate aftermath of the fatal 1999 shooting of Amadou Diallo, an unarmed African immigrant who died in a hail of 41 police bullets.

Mayor Bloomberg’s blunt assessment of events still under investigation was striking, although he took pains to point out **that the facts were not all in**, saying several times that he did not yet know what happened in the shooting, but that he expected that a grand jury would be impaneled by the Queens district attorney, Richard A. Brown.

[...] “I do not at this point believe that there was anything racially motivated here, but we’ll wait and see whatever **the facts** are,” Mr. Bloomberg said. “A lot of people feel that this on top of other incidents that have happened in the past is a pattern that is unacceptable. I find that pattern unacceptable as well,” Mr. Bloomberg continued, adding that he saw the shooting as an **isolated case**.<sup>4</sup>

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“**There is no evidence that they were doing anything wrong**,” Mayor Michael R. Bloomberg said Monday of Mr. Guzman, Mr. Bell and Mr. Benefield. “**Clearly they were victims**.”<sup>5</sup>

The quotes above show a remarkable difference to Mr. Bloomberg’s initial statement. More specifically, the mayor conveys profound, detailed and emphatic images of the shooting itself. His communication for that matter does not fit within the label ‘this event’ anymore.

In his depiction of the shooting in the statements above, the excessiveness on the police side ('excessive force', '50-odd shots fired'), and innocence on the side of the victims ('There is no evidence that they were doing anything wrong', 'Clearly they were victims') stands out. As the mayor specifically links '50-odd shots' to excessiveness and 'victims' to 'no evidence that they were doing anything wrong', his perception of the shooting thus matches the '50 shots' label with its focus on magnitude, number of shots fired, and excessiveness, as well as the core 'Sean Bell' label, with its focus on victimization and innocence. Yet the specific reference to '50-odd shots' is still different from the references made by police critics, as the approximation 'odd' diminishes the symbolic value of the number 50.

The perceptions conveyed by Mr. Bloomberg value the shooting ('inexplicable' and 'unacceptable'), in a similar way to that of the police critics. These valued-based perceptions, however, are not emotionally charged, but rather distinguish on a factual level between what the mayor accepts and what he does not, which in turn also gives insight into his positioning in the debate.

The perceptions conveyed by Mr. Bloomberg are directed at and attuned specifically for those present at the meeting, i.e. a variety of community leaders and the press.

The perceptions conveyed by the mayor the next day are again slightly different in nature and in focus:

### ***Just after the shooting (November 2006)***

*New York Times* excerpts on the events taking place (November 28):

Mayor Michael R. Bloomberg went to Queens yesterday to meet the parents and fiancée of Sean Bell, the 23-year-old man killed in a hail of police bullets on Saturday, as he continued his efforts to soothe tensions in the aftermath of the shooting.

During his private meeting with the family, which lasted nearly an hour, Mr. Bloomberg sat in a front pew at the Community Church of Christ, in Jamaica, with Mr. Bell's parents, William and Valerie. Nicole Paultre, who was to have married Mr. Bell on Saturday, later joined them, as did her mother.

[...] "I tried to express my deepest **sympathies** for **their loss**," the mayor said at a news conference. "I don't think that **any parent** can understand what it would be like to **lose** a child until it happens, and I just pray that for most **of us parents**, we never find out." He added, "There's nothing the mayor can do to bring back **their son or their fiancé**."

[...] After leaving the church yesterday, Mr. Bloomberg traveled to Thomasina Catering in St. Albans to meet with about 50 community leaders. Afterwards, at the news conference, the mayor acknowledged that relations between the police and the community were far from perfect.

[...] With Police Commissioner Raymond W. Kelly at his side, Mr. Bloomberg also conceded that many black New Yorkers believe that the Police Department practices racial profiling, although it is prohibited by city policy. "There's a **feeling** among an awful lot of people that

kids, particularly teenagers, young men, get stopped based on the color of their skin, and the commissioner and I both said that that is, No. 1, **not the policy**.”<sup>6</sup>

In the statements above, Mr. Bloomberg conveys a mixture of perceptions of the shooting and those involved in the shooting.

On the one hand, he conveys emotionally-charged perceptions such as ‘loss’, parental love, empathy, and feelings. All of these perceptions to a certain degree fit within the previously identified label ‘a tragic set of events’, which occurs in the communication practiced by police defenders. However, the mayor goes into much more detail now than the police defenders do in their depiction of the tragedy, while focusing on the specific loss felt by the victims. On the other hand, the mayor also conveys detached perceptions concerning facts and policies. This, in turn, is more in line with the strong focus on facts and procedures in the communication conveyed by the NYPD.

The difference with the statements made on November 27 is that Mr. Bloomberg moves from factual yet value-charged perceptions in regard to the shooting and the conduct of the officers, to both emotional and value-charged perceptions of the victims, and factual, yet non-value charged perceptions of the shooting and the conduct of the NYPD. Thus, while the mayor indirectly communicated perceptions of potential culpability in the statements made on November 27, he does not do this in (the *New York Times* coverage of) the press conference held the next day. Also, a lot of these perceptions seem directed not just to the community members, but now also to the family itself, to whom the mayor spoke that day.

One of the next instances when Mr. Bloomberg speaks out on the Sean Bell case and in which he is quoted in the *New York Times* is during the annual Martin Luther King memorial:

***During the Martin Luther King Day memorial (January 15, 2007)***

An excerpt from Mayor Bloomberg, speaking at an event hosted by Mr. Sharpton:

**“The tragedy of Sean Bell was a terrible moment for New York and certainly for his family. It showed us that despite all the progress we’ve made in this city we really do have a long ways to go.”**<sup>7</sup>

This time, the mayor conveys emotionally-charged perceptions (‘tragedy’, ‘terrible moment’) on the shooting, yet a more universal notion of culpability (‘we really do have a long ways to go’). Mr. Bloomberg emphasizes the magnitude of the shooting itself, which is in contrast to the approach of the police commissioner. More specifically, the mayor underlines this magnitude not only by the adjective ‘terrible’ but also by stressing the universality of to whom the ‘terrible moment’ applies (all of ‘New York’). In a way his communication resembles the police defenders’ label ‘A tragic situation’ with its inherent reference to universally felt victimization and a nondescript depiction of the shooting itself (‘moment’). Yet while the police defenders say that the shooting was a tragedy for all involved in the shooting, thus reducing the magnitude of the culpability of the officers, Mr.



Bloomberg stresses rather the magnitude of the tragedy itself in his remark as well as the shared responsibility of the whole of New York to do something about it ('we really do have a long ways to go'). Again, the perceptions are in line with the occasion and the audience, i.e. the African-American community in New York.

Just before the indictments, the mayor speaks out more frequently on the Sean Bell shooting:

*Before the indictments (March 2007)*

An excerpt from Mayor Bloomberg commenting on the shooting during a press conference (March 4):

Calling the incident "**disturbing**" and "**worrisome**," Mr. Bloomberg said that he was awaiting **the result of the district attorney's investigation** but that he was committed to "**do everything we can to make sure that the Police Department conducts itself in a way that treats everyone in the city fairly and equally.**"<sup>8</sup>

An excerpt from Mayor Bloomberg speaking at another press conference (March 13):

I'm not concerned at all. I think this community understands that we have to follow the law. I'm sure there **will be some hotheads no matter what happens on either side**, whether there are indictments or not — no indictments — or whatever the number of indictments.

**There'll be people** that think there should have been more indictments, **there'll be people** that think there'll be less, **they'll yell and scream** and you will put it on the front page.

But **the people of our city long ago have given up on that**. They're going to work hard together. We are not going to have any **unrest**. We'll make sure that everybody is protected. You will be as safe going out on the streets after a decision as you were before the decision.

Anybody that thinks that they can cause trouble is making a serious mistake. The Police Department will be there to protect everybody and do exactly what we should do.<sup>9</sup>

In the first excerpt, Mayor Bloomberg conveys value-based perceptions such as 'disturbing' and 'worrisome', which are more in line with his previously conveyed perceptions of 'unacceptable and inexplicable'. However, the value-based perceptions are vaguer, and do not reflect a dichotomy, nor do they relate directly to culpability.

In the second excerpt, the mayor's remarks at first glance appear to be similar to that of Mr. Kelly's previously discussed quote 'Obviously there will be some people who are disappointed with the verdict. We understand that', by which the police commissioner creates a new peaceful image that literally opposes 'No justice, no peace', while toning down the image of amplified anger, by saying there will be 'some people' who are disappointed with the verdict.<sup>10</sup> Yet there are differences between Mayor Bloomberg's and Police Commissioner Kelly's statements. While the mayor's reference to 'some' does diminish the magnitude of the amount of people who are angry, similar to Mr. Kelly's remark, his reference to 'hotheads' does not diminish the anger felt by these people. Moreover, he dismisses this specific anger as rash and 'quick tempered', which Mr. Kelly does not do ('we understand that'). The mayor for that matter distinguishes between acceptable criticism and unacceptable criticism, as will be further discussed in Subsection 4.3.1. Another difference is the

timing of the statements. As Mr. Kelly made this specific statement after the acquittals, his reference to ‘some’ merely refers to the police critics. However, Mr. Bloomberg made his remark just before the indictments, when the trial had not yet come to a closure and the outcome was still undecided. Mayor Bloomberg specifically says that people ‘on either side’ will criticize the indictments ‘no matter what happens’, thus referring to both police critics and police defenders. The reference to ‘hotheads’ hence becomes much more universal. Mr. Bloomberg also distinguishes between the ‘hotheads’ and the ‘muted reaction from the community’, thus portraying those with very angry reactions as marginal outsiders pitted against the community, while differentiating between acceptable and unacceptable responses.

Just before the acquittals, the mayor again communicates different perceptions:

### *Just before the acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

Answering questions from reporters, Mr. Bloomberg **played down any suggestion that the city could erupt in violence** whatever the verdict and said that he planned to treat Friday like any other day, although he acknowledged that **he did not think “the decision in the Sean Bell case is just like everything else.”**

“Friday, I’m going to get up in the morning and run,” he said. “I do pretty much every morning. I have a Spanish lesson every morning. I have a staff meeting most mornings. And I’m going to do **the same** kind of preparation for **Friday that I do for every other day**,” as would the rest of the government to guarantee that **“everybody will be safe and also at the same time have a right to say what they want to say.”**<sup>11</sup>

Similar to the police commissioner, Mayor Bloomberg ‘plays down any suggestion that the city could erupt in violence’, maintaining that the situation itself is contained and not unruly or untamed and thus refuting images of lawlessness. However, while the police commissioner’s perception of the judge’s decision tones down the personal aspects in the perceptions of ‘I am/We love Sean Bell’ by describing events in non-individuating terms, Mr. Bloomberg does so only to a lesser extent, as he specifically speaks of ‘the Sean Bell case’. While the mayor does not specifically refer to the police critics, his remark that ‘everybody will [...] have a right to say what they want to say’ acknowledges the magnitude of ‘I am/We love Sean Bell’ more than Police Commissioner Kelly’s remark that ‘there will be some people who are disappointed with the verdict. We understand that’. Although the remarks seem alike, Mr. Bloomberg’s use of ‘everybody’ is inclusive and does not tone down the magnitude, while Police Commissioner Kelly’s reference to ‘some’ underlines the subtle ‘us-versus-them’ perceptions conveyed by the NYPD and, moreover, tones down the magnitude of ‘I am/We love Sean Bell’.

After the acquittals, the mayor conveyed the following perceptions:

### *Just after the acquittals (April 2008)*

A *New York Times* excerpt (April 25):

Mayor Michael R. Bloomberg, who called the incident “inexplicable” and “excessive” in the days following the shooting, expressed sorrow for Mr. Bell’s family.

“There are **no winners in a trial like this**,” he said. **“An innocent man lost his life, a bride lost her groom, two daughters lost their father, and a mother and a father lost their son.** No verdict could ever end the grief that those who knew and loved Sean Bell suffer.”<sup>12</sup>

What is immediately noticeable is how these remarks are different from the mayor’s earlier, profoundly value-based perceptions conveyed just after the shooting, as he makes no further references to culpability.

His statement at first glance shows stark resemblances to the police defenders’ label ‘a tragic set of events’, as he also stresses the universality of the suffering (‘no winners’). However, by summing up the victims, he specifically focuses on the suffering of the Sean Bell family, thus not diminishing the magnitude of their victimization, but emphasizing it. On the other hand, and similar to police defenders, he does not speak out on the culpability of the implicated officers and the reference to ‘no winners’ does, also, implicitly refer to these officers. What is also different from the remarks made by the police defenders is that the mayor not only links the suffering to the shooting itself, but also, and specifically, to the trial that ensued after the shooting (‘in a trial like this’). By doing so, the mayor specifically extends the victimization to the trial, and shows that there are two sides to the story.

By saying that ‘today’s decision is no different’, the mayor appears to diminish the magnitude and weight of the decision itself, similar to the NYPD’s focus on process and broader patterns. Yet in fact the mayor magnifies the authority of the decision (‘we accept their authority’), and moreover, presents acceptable behavior as an incontrovertible fact, which tells more about the positioning of the mayor in the debate, as will be further discussed in Section 4.3.

#### **4.1.2 Conclusion**

The nature of the perceptions conveyed by the mayor is strikingly different from that of other stakeholders, as the mayor appears to communicate different perceptions on different occasions. Based on the discussed quotes, there is no profound chronological pattern detectable. The only dynamics that can be observed are that just after the shooting, the mayor conveys perceptions that are more value-based and judgmental than those towards the end, which focus more on the tragedy of the shooting and the prolonged pain felt by those involved in it. The chronological pattern also seems to be driven by ‘what we know’, and hence the perceptions become more detailed when more information becomes available.

The eclectic nature of the mayor's perceptions makes it impossible to capture them into labels. Combined, the mixture ranges from value-based factual perceptions such as 'unacceptable' and 'inexplicable', to empathetic, value-based perceptions such as 'disturbing' and 'worrisome'; perceptions of the magnitude of the shooting, as well as on the psyche of the implicated officers and on the pain felt by the parents, the community, and New York at large; perceptions relating to the innocence of the victims; perceptions of certain vehement and rigid police critics and police defenders, and images of peace and civil obedience.

How can this eclectic mix of perceptions be understood? Rather than a dynamic chronological pattern driven by time in general or chronological developments, the perceptions seem to be driven by location, specific developments, and audience. In addition, a lot of the perceptions conveyed by the mayor appear to have a purpose other than being a mere reflection of feelings. More specifically, the mayor appears to mix an eclectic array of value-based, non-value based, factual and emotional perceptions, in order to obtain and safeguard certain (communication) goals. An example of such a goal is to control potentially inflammatory situations, such as after the indictments. Although the discourse appears to be upfront and sincere, the mayor's statements can still best be characterized as a strategic communication approach rather than as spontaneous discourse. Yet rather than a deflective, defensive or pro/anti-police agenda-setting purpose, as discussed in regard to previous stakeholders, the mayor's approach is aimed at appeasing the existing and often conflicting feelings of different stakeholder groups, while maintaining law and order. This goal will be further scrutinized in Section 4.3.

Although the mayor uses powerful perceptions in order to position himself, comparable to community leaders such as Mr. Sharpton and 'official' police defenders such as Mr. Palladino, his positioning appears to be much more flexible, as the communicated perceptions are more random than those of other official 'leaders'. The eclectic mix of perceptions for that matter fits within the combined perceptions of other stakeholders, but is less harsh and rigid. The perceptions, thus, are stakeholder-centered, a notion that will be further explained in the next section.

On a rhetorical level, the mayor at times does distinguish between 'us' and 'them', but he does not attribute any perceptions or values to either. Hence the perceptions of a personalized and victimized 'us' and a depersonalized and sometimes criminalized 'them', do not exist in the mayor's communication. This also fits within the stakeholder-centered nature of the discourse.

What is also interesting is that the mayor in the discussed quotes does not characterize his own conduct, as pointed out in the introduction to this subsection. This lack of self-images differs from the communication of other stakeholders discussed so far, who often actively convey profound perceptions of their role in the shooting or the events that took place after the shooting. Such perceptions have been captured in the labels 'I am Sean Bell' 'Every day is hell for these guys' and in the scattered perceptions conveyed by the NYPD in connection to proper and professional conduct.

The fact that Mr. Bloomberg does not convey perceptions of himself can be attributed to the less direct involvement the mayor has in the debate than for instance Police Commissioner Kelly. To a degree, the lack of self-perceptions can also be attributed to the fact that the NYPD has to defend its own actions much more than the mayor does. However, as the mayor is responsible for all city services, including the NYPD, and he is the one who appoints the police commissioner, his role in the debate following the shooting is not negligible. The lack of self-perceptions is hence also a consequence of the positioning maintained by Mr. Bloomberg and of the stakeholder-centered perspective discussed in the next section.

## 4.2 Framings

In order to scrutinize the way the mayor interprets the shooting and its aftermath, it is first useful to take a closer look at the specific nature of the framings constructed by the mayor.

The mayor is much more outspoken about the interpretation of both the shooting and the events following the shooting than the police commissioner, but less so than the police defenders and police critics. This degree of openness makes research into such interpretations easier than it does for the interpretations of the NYPD. On the other hand, and similar to the transitory nature of the perceptions conveyed by the mayor, his interpretations of the shooting and the aftermath again appear to be transitory, and at first glance even inconsistent, resulting in an eclectic miscellany of diverse framings for which it is hard to pinpoint a consistent pattern. Hence a chronological structure best suits the analysis of the mayor's interpretations of the shooting, as it can lay bare the dynamics of such interpretations, as well as the roots for these dynamics, and of course the interpretations themselves. For the interpretations of the aftermath of the shooting, a more thematic approach has been chosen.

A second research challenge is the way the mayor entwines interpretations regarding the shooting in his discourse with those regarding events that ensued after the shooting. This makes it difficult to separate the analysis into two different threads, as has been done in previous chapters. Although the analysis will again make a distinction between these two different aspects, there will be some overlap.

As the mayor's positioning in the debate is responsive by nature, comparable to that of police defenders and the NYPD, this analysis also examines how the mayor interprets specific elements in the police critics' framing, such as race and police misconduct, but also aspects of the framings of the police defenders and the NYPD, as he also responds to their framings. The analysis will specifically compare the framings of the mayor to those of the police commissioner, as both have such a similar role in the debate.

In line with the previously discussed analysis that the framings constructed and conveyed by stakeholders function as a deeper layer of perception, the eclectic nature of the interpretations constructed by Mr. Bloomberg is linked to the dynamic pattern of perceptions conveyed by him.

### 4.2.1 Framing the shooting: You have to be in the stakeholder's shoes

Throughout the aftermath of the shooting, Mr. Bloomberg conveys various interpretations of what happened on the night of November 25, 2006. Most of these interpretations place the shooting in a broader historical and organic framing. However, initially, the mayor is as evasive about his interpretation of the shooting as the NYPD is, and deliberately does not place the shooting in a historical framing, as the written statement disseminated to the press on the night after Sean Bell was shot demonstrates. It is therefore interesting to take a look once more at this statement:

### *Just after the shooting (November 2006)*

Official statement made by Mayor Bloomberg (November 25):

“Although it **is too early to draw conclusions** about this morning’s shootings in Jamaica, Queens, we know that the NYPD officers on the scene had reason to believe that an altercation involving a firearm was about to happen and were trying to stop it. Commissioner Kelly, Deputy Mayor Walcott, and I have been in touch with community leaders throughout the day to hear their concerns and update them on **what we know**, and we will keep them informed as this investigation continues.”<sup>13</sup>

The mayor not only maintains in this statement that he can’t convey his perceptions of the shooting, as discussed in the previous section, he also maintains that he cannot interpret the shooting, because it is ‘too early to draw conclusions’. His interpretation is based on ‘what we know’, which in itself is an explanation for both the transitory character of perceptions and interpretative framings, as will also be discussed in Subsection 4.3.2.

Thus, shortly after this initial reaction, when more information is available, the mayor does convey his interpretation of the shooting, more candidly as he also does with his held perceptions. The following excerpts from the press conferences held on November 27 and 28, 2006 demonstrate this:

### *Just after the shooting (November 2006)*

Excerpts from the press conference held at City Hall (November 27):

Mayor Michael R. Bloomberg convened an extraordinary meeting of black religious leaders and elected officials at City Hall yesterday to calm frayed tempers over the fatal police shooting of an unarmed black man in Queens, calling the circumstances “inexplicable” and “unacceptable.”

[...] “**I do not at this point** believe that there was **anything** racially motivated **here**, but **we**’ll wait and see whatever **the facts are**,” Mr. Bloomberg said. “**A lot of people feel that** this on top of other incidents that have happened in **the past is a pattern that is unacceptable. I find that pattern unacceptable as well**,” Mr. Bloomberg continued, adding that he saw the shooting as an **isolated case**.<sup>14</sup>

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“You should know that it is **not the policy of the Police Department**, where a police officer can shoot at a car when the car is being used as a weapon,” Mr. Bloomberg said Monday at a City Hall news conference. “So at least, in that case, it would appear that the policies of the Police Department were broken.”

Mr. Kelly said, “**As far as** the policy of using deadly force against a vehicle — we **have a policy that prohibits that if the only deadly force that’s being used against you is the vehicle itself**.”<sup>15</sup>

*New York Times* excerpts on the events taking place (November 28):

Mayor Michael R. Bloomberg went to Queens yesterday to meet the parents and fiancée of Sean Bell, the 23-year-old man killed in a hail of police bullets on Saturday, as he continued his efforts to soothe tensions in the aftermath of the shooting.

During his private meeting with the family, which lasted nearly an hour, Mr. Bloomberg sat in a front pew at the Community Church of Christ, in Jamaica, with Mr. Bell's parents, William and Valerie. Nicole Paultre, who was to have married Mr. Bell on Saturday, later joined them, as did her mother.

[...] "I tried to express my deepest sympathies for **their loss**," the mayor said at a news conference. "I don't think that any **parent** can understand what it would be like to lose a child until it happens, and I just pray that **for most of us parents, we never find out**." He added, "**There's nothing the mayor can do to bring back their son or their fiancé**."

[...] After leaving the church yesterday, Mr. Bloomberg traveled to Thomasina Catering in St. Albans to meet with about 50 community leaders. Afterwards, at the news conference, the mayor **acknowledged that relations between the police and the community were far from perfect**.

"There were people that stood up and said we've made a lot of progress and there were people that stood up and said we have a long ways to go," the mayor said. "**And I think both of those groups were right on target**."

With Police Commissioner Raymond W. Kelly at his side, Mr. Bloomberg also conceded that many black New Yorkers believe that the Police Department practices racial profiling, although it is prohibited by city policy. "There's a feeling among an awful lot of people that kids, particularly teenagers, young men, get stopped based on the color of their skin, and **the commissioner and I both said that that is, No. 1, not the policy**."

Despite facing criticism from two police unions, the Patrolmen's Benevolent Association and the Detectives' Endowment Association, Mayor Bloomberg defended his decision to characterize the shooting as "excessive." But the mayor said, "I am a civilian, I'm not a professional law-enforcement officer," and added, "**That was my personal opinion**."<sup>16</sup>

In the statements above, the mayor primarily interprets the shooting, as well as specific aspects such as racial profiling and use of force, consistently from a factual and procedural perspective ('No. 1, not the policy', 'see whatever the facts are', 'not the policy of the Police Department'). This resembles the factual, process-oriented perspective of the NYPD. In addition, he also interprets the shooting from an emotional perspective in some sentences above. More specifically, he interprets the shooting from the perspective of that of a parent ('and I just pray that most of us parents, we never find out'). This emotional perspective is in contrast to the interpretations conveyed by the police commissioner, who specifically says he cannot 'have a visceral reaction'. Conversely, Mr. Bloomberg's mixture of interpretative perspectives at first glance appears to resemble the police defenders' dual-layered approach, by which emotionally-charged and descriptive perceptions of the universally felt victimization are combined with detached and indistinctive perceptions in regard to the magnitude of the shooting and the role of the officers. As with the police defenders' interpretation, the mayor interprets the shooting from an emotional perspective while referring to the grief and loss of the parents, but also from a factual perspective as far as conduct and culpability are concerned. However, there is a difference between the mayor's approach and that of police defenders. In the quotes above, the mayor does not diminish the magnitude of the suffering of the victims, like the police defenders



subtly do, but instead emphasizes it. Moreover, his fact-oriented perspective is not deflection of interpretations, as the police defenders' reference to a 'tragic set of events' is in regard to the perceptions of the shooting. It does not completely resemble the fact-oriented perspective of the NYPD either, as facts within this perspective are used to a certain extent to diminish the magnitude of the shooting to as but a 'case number', whereas the mayor uses facts as a strategy to understand culpability and other aspects of the shooting. The interpretative perspectives are thus not dual-layered but rather two-pronged.

From a broader perspective, when combined the two divergent interpretative perspectives deployed by the mayor seek (some) common ground with the emotions-driven reality of police critics, but also with the fact-oriented framing of the NYPD and police defenders, without diminishing the magnitude of the shooting, and without using passionate oratory. Thus, although the two interpretative perspectives remain divergent, they do fit within the totality of framings constructed and conveyed by other stakeholders in the debate. Thus, similar to the conveyed perceptions, they are stakeholder centered.

From within both these divergent perspectives, the mayor conveys mixed messages on his interpretation of the shooting. For example, while he acknowledges that others link the case to a 'pattern that is unacceptable', and says that he himself sees that pattern too ('I find that pattern'), he also says that the shooting was an 'isolated case'. Thus, although both interpretations fit within a fact-oriented perspective, the interpretations themselves can be very different.

However, combined, these divergent messages again fit within the totality of interpretations conveyed by other stakeholders, as they seek common ground with both the interpretative framing of the NYPD ('the case is an aberration'), and with that of police critics ('a pattern of police shootings, police misconduct, racial profiling and racial injustice in the broadest sense of the word'). This is underlined by the multiple references to other stakeholders in the mayor's discourse. More specifically, by consulting with the police commissioner ('the commissioner and I both said that'), and actively listening to the community ('a lot of people feel that'), the mayor's interpretative framing is purposely shaped by the interpretative framings of others.

The eclectic interpretations can also be found in the statement made during the second press conference: 'There were people that stood up and said we've made a lot of progress and there were people that stood up and said we have a long ways to go'. The *New York Times* reports that the mayor acknowledges that there is a pattern in which the 'relations between the police and the community' are 'far from perfect'. With this statement, the mayor interprets the shooting from both an optimistic historical pattern of progress, resembling that of the NYPD and police defenders, and a historical pattern of police flaws and consequential need for progress, resembling that of the police critics. These interpretations are again the result of the stakeholder-centered perspective used by the mayor to interpret the shooting. More specifically, by acknowledging the framings of both groups ('there were

people’) and by applying this acknowledgement as a starting point for his interpretation of the shooting (‘I think both of those groups were right on target’), the mayor does not interpret the shooting from a self-centered perspective, but purposely includes the interpretative framings of other groups. It is important to note that the mayor does not ‘copy’ such interpretative framings, but builds upon them, using the framings of other stakeholders as guiding buoys. His remark, ‘that was my personal opinion’, for that matter shows how the mayor might listen to others in forming an interpretation, but that the resulting conveyed interpretation itself is personal.

In the next communication moment covered by the *New York Times* — the annual Martin Luther King gathering in Harlem — the mayor also interprets the shooting from such a stakeholder-centered perspective:

*During the Martin Luther King Day memorial (January 15, 2007)*

An excerpt from Mayor Bloomberg, speaking at an event hosted by Mr. Sharpton:

The mayor called Mr. Bell’s death “a **terrible moment for New York**,” which demonstrated that “**despite all the progress we have made in this city, we really do have a long ways to go.**”<sup>17</sup>

In the statement above the mayor conveys diverging interpretations on the shooting, which again fit within the totality of interpretations held by the stakeholders in the Sean Bell debate. More specifically, the mayor’s statement combines the NYPD’s interpretation of the shooting within a historical pattern of continuous improvement, professionalism and of superiority in comparison to other cities, with the police critics’ interpretation of the shooting within a historical pattern of police misconduct.

While the mayor builds his interpretation of the shooting on that of other stakeholders, he is selective in the elements he chooses for his own interpretation. For example, the mayor does not refer to the police critics’ specific framing of the shooting within a historical pattern of racial profiling and racial injustice in the broadest sense of the word, nor does his statement relate to the NYPD’s specific framing of the shooting within a pattern of unruliness and lawlessness in the streets that are responsible for the incidents that do occur. While the resulting interpretations are value-based, they are never uncompromising or rigid, as will also be discussed in the next section. This selective approach fits within the notion that the mayor uses other interpretative framings as guiding buoys for his own interpretation of the shooting.

On a rhetorical level, the indirect link between ‘New York’, ‘this city’ and ‘we’ further underlines the stakeholder-centered perspective. Put differently, while for other stakeholders the use of ‘we’ underlines ‘us-versus-them’ framings, as well as perceptions and positioning, the mayor conversely uses the pronoun in an inclusive way, referring to all people living in ‘New York’ and in ‘this city’.

Just after the indictments, the mayor also conveys his interpretation of the shooting in a broader context. Again, the focus of his interpretation is slightly different from previously conveyed interpretations:

*Just after the indictments (March 2007)*

Mayor Bloomberg speaking about the indictments (March 19):

**“It also needs to be said that being a police officer, as we were reminded several times last week, is a very dangerous job. And although a trial will decide whether crimes were committed in this case, day in and day out the NYPD does an incredible job under very difficult circumstances.”**<sup>18</sup>

In the statement above, the mayor clearly interprets the shooting from the perspective of the officers (‘being a police officer’), comparable to the police defenders’ perspective that ‘you have to be in the officer’s shoes’. Moreover, by linking ‘this case’ to ‘incredible job’ and ‘very difficult circumstances’, the mayor indirectly interprets the interactions that took place between the police and the victims in the Sean Bell shooting as part of the police defenders’ historical and organic interaction process that entails danger and chaos, as well as the NYPD’s ‘self-praising’ historical and organic framing of proper and professional conduct.

The mayor is again selective in the elements he chooses for his own interpretation. For instance, in the statement above he does not interpret the Sean Bell shooting as part of a pattern in which the unruliness and lawlessness in the streets are responsible for the incidents that do occur, as the police defenders and to a lesser extent the NYPD do, thus excluding harsh and uncompromising elements.

This is the first instance in the *New York Times* when the mayor’s specific focus on the interpretative framing of police defenders is mentioned, yet earlier instances of this type of discourse certainly do exist, and can be found in more detailed coverage.<sup>19</sup>

The shift of focus captured in the *New York Times* can be understood by looking at the timing of the mayor’s statement and at the dynamics of the interpretative framings of other stakeholders at that particular moment. More specifically, while the police defenders interpret the indictments as a ‘message ... that even though you’re acting in good faith, in pursuit of your lawful duties, there is no room, no margin for error’, the police critics interpret the indictments as proof that ‘the process works’.<sup>20</sup> Within this light, the mayor focuses his interpretation of the shooting on the group that at that point in time is most pessimistic about the proceedings. This hence shows how the mayor’s stakeholder-centered framing is linked to the stakeholder-centered positioning, as will be further discussed in Section 4.3.

Just before the acquittals and after the acquittals, the mayor again underlines different elements in his interpretative framing:

### *Just before the acquittals (April 2008)*

An excerpt from Mayor Bloomberg speaking at a news conference (April 23):

Speaking at a news conference at Public School 36 in St. Albans, Mr. Bloomberg said he had met **with community leaders several times in recent days, praising the ethnic diversity and joy** he sees not far from where Mr. Bell died on the morning of his wedding day in a storm of 50 bullets.<sup>21</sup>

### *Just after the acquittals (April 2008)*

An excerpt from Mr. Bloomberg's statement, sent to the media by e-mail (April 25)

When I spoke with Nicole Paultre Bell on the steps of City Hall this week, I told her that while we **can't bring back the man that she was in love with, we can and will build and make things better.**<sup>22</sup>

In these statements, again, the interpretative focus is to a certain extent different from previous statements. The mayor interprets the shooting within a framing of progress made ('praising the ethnic diversity and joy'), expected progress ('we can and will build and make things better'), suffering and love ('the man that she was in love with'). While this framing appears to be directed towards the victims of the shooting, and in a broader sense to police critics, it does not include all of the elements of their interpretative framing. Instead, the mayor again includes several interpretative framings from other stakeholders in his communication, ranging from references to the pattern of police misconduct (police critics), to references concerning the progress made so far (police defenders), while excluding harsh and uncompromising elements of these framings.

The second quote combines an emotional perspective with a factual perspective, resulting in a specific, emotional, and personal interpretative framing (the loss for Nicole Paultre Bell) and a broad, factual, and optimistic interpretative framing applicable to all New Yorkers ('we can and will build and make things better'). The mayor also combines interpretations on the shooting with interpretations of the processes ensuing after the shooting, which the police commissioner mostly avoids, as becomes clear in the previously discussed deflective and nondescript passive tense statement 'Questions have arisen as to the quality and effectiveness of our training'.<sup>23</sup> By forging this connection, the mayor specifically links the shooting to measures to be taken, thus positioning himself in a more proactive way than the police commissioner, interpreting events from a solution-driven perspective, although these solutions remain abstract in the statements above.

### **Summary**

This subsection has demonstrated how the mayor's discourse is characterized by a dynamic pattern of a multitude of transitory — at first glance even inconsistent — interpretative framings on the shooting. This pattern appears to be driven by the availability of facts on the case ('what we know'), but a closer examination shows that it is also a result of the stakeholder-centered solution-driven

perspective by which the mayor interprets the shooting. Within this perspective, the interpretative framings of other stakeholders serve as guiding buoys for the interpretative framing of the mayor.

While the stakeholder-centered perspective is two-pronged — combining a factual perspective with an emotional one — it is at all times optimistic and future/solution-oriented. As a consequence, the mayor uses both factual and emotional elements of other stakeholders in his interpretations, yet he is selective in that for the most part he does not incorporate pessimistic, harsh, or uncompromising elements from these interpretations. The mayor's active and frequent consultation with other stakeholders emphasizes the stakeholder-centered approach.

Within this two-pronged perspective, the mayor interprets the consequences of the shooting for the family on an emotional level — thus not shunning the human side of the shooting — he interprets aspects such as the role of the implicated officers and their potential culpability, racial profiling and use of force, from a factual stance — thus not shying away from linking the facts on the case to broader patterns and possible solutions. He also mixes more narrow interpretative framings (that of the family) with broader framings held by a much larger group of stakeholders, at times even all New Yorkers. Moreover, the mayor combines framings on the shooting with those of the processes ensuing after the shooting, something the police commissioner does not do.

The resulting framings all fit within the totality of those constructed and conveyed by other stakeholders in the debate. In fact, a closer look at the framings conveyed by the mayor does not so much show a pattern of inconsistency, but rather a change of focus by which different elements are highlighted of the total framing constructed and held by the mayor.

By combining all interpretative elements conveyed by the mayor, a more integrated interpretative framing of the shooting emerges. More specifically, within the optimistic two-pronged stakeholder-centered perspective, the mayor places the shooting within a broader historical pattern of both progress and need for progress, of personal and communal suffering, and of the dangers the police officers face, as well as the incredible job performed by them, and of solid NYPD guidelines which are not always followed. Some inconsistencies remain in the framings, such as the contradictory references to a structural pattern of police misconduct, especially that of racial profiling.

On a rhetorical level, again the use of 'we' stands out, which shows how the mayor not only consults others to form his opinion, but also that he infers that the interpretations of others are similar to his.

The mayor's stakeholder-centered perspective and the consequential dynamic pattern of interpretative framings differ profoundly from other stakeholders, who all interpreted the shooting from a mainly self-centered perspective.

The stakeholder-centered perspective discussed in this subsection can be seen both as spontaneous discourse that reflects the interpretations of the mayor and as a strategic premeditated communication approach, aimed at securing specific (communication) goals. The paradoxical

combination between a ‘pattern that is unacceptable’ and an ‘isolated case’ for that matter fits within the latter type of communication, as it is a consequence of the mayor’s positioning which aims to seek common ground with multiple stakeholders, as will be further discussed in Section 4.3.

#### 4.2.2 Framing the aftermath: Open communication and constant collaboration

The framings of the mayor concerning the aftermath of the shooting at first glance appear to be as transitory in nature as the framings on the shooting. Yet these framings can be more easily divided into themes, as opposed to the eclectic mix of framings discussed in the previous subsection. It is furthermore interesting to compare the mayor’s interpretation of the processes following the shooting, and especially the interpretation of his own function, to that of the police commissioner, as both have a responsibility to guide these processes. For these specific reasons, the analysis in this subsection is structured thematically rather than chronologically — examining aspects such as specific stakeholder’s roles, ranging from police critics to the criminal justice system, as well as the interpretation of the trial itself. However, time is a factor that will not be overlooked either.

In order to understand the differences between how the mayor and the police commissioner interpret the processes after the shooting — in particular their own role — it is necessary to compare statements made in connection to these specific aspects. One of these aspects is their diverging interpretation on their history ‘in office’ and the role of communication in this. The following statements made by Mayor Bloomberg and Police Commissioner Kelly on this matter show a sharp contrast:

##### MAYOR BLOOMBERG

##### *Just before the acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

Speaking at a news conference at Public School 36 in St. Albans, Mr. Bloomberg said he had met **with community leaders several times in recent days, praising the ethnic diversity and joy** he sees not far from where Mr. Bell died on the morning of his wedding day in a storm of 50 bullets.

“In the six and a half years I’ve been mayor,” he said before reporters asked any questions, “the most important thing is always the importance of keeping **open communication and constant collaboration. And that’s true whether it’s about fighting crime or building housing or the economy or education.** I’ve always thought that if **we keep listening to each other, keep committing ourselves to be better as neighbors and as communities, there’s no challenge that we can’t overcome, and I think this community’s a good example of this.**”<sup>24</sup>

## POLICE COMMISSIONER KELLY

### *Just after the shooting (November 2006)*

A *New York Times* excerpt on the role of Police Commissioner Kelly in the aftermath of the shooting (last week of November):

**“I think you build relationships**, and you can go back to other incidents perhaps where people relied **on something I’ve said or I’ve done**, and hopefully that’s built up a certain level of trust,” Mr. Kelly said. “You hope that is something that is going to play a role.”

**“I’ve always prided myself on being forthright and open** with the community, and not holding very much back — what you see is what you get with me,” he added.

[...] Mr. Kelly said he has **a long history inside** the department and as a government official in Washington of **improving** the culture of agencies, **combating** racial profiling, and **holding** his own people accountable. He also said his **diplomatic skills** in times of crisis **have not atrophied** in the years that his focus has been pulled toward domestic security, an effort that is without precedent in the department.<sup>25</sup>

What is immediately noticeable in the quotes above is how both Mayor Bloomberg and Police Commissioner Kelly — in their interpretation of the processes that ensued after the Sean Bell shooting — refer to their period in office and recollect their ‘on the job’ experiences (‘In the six and a half years I’ve been mayor’/‘Mr. Kelly said he has a long history inside the department’). Further, both acknowledge that good, open communication is important in police–community relations, of which the interaction processes that occur after police shootings are a part (‘the most important thing is always the importance of keeping open communication and constant collaboration’/‘you build relationships [...] and hopefully that’s built up a certain level of trust’). However, while the police commissioner interprets the police–community communications from a self-centered ‘praising’ perspective (‘I’ve always prided myself on being forthright and open’) and, moreover, primarily looks at his own role in this (‘something I’ve said or I’ve done’), the mayor conversely interprets such communications from both a stakeholder-centered perspective as a two-way interactive process, of which the mayor is part (‘if we keep listening to each other’), without commending himself for his communication skills, or interpreting his role in other ways.

Thus, while the police commissioner interprets the events that take place after the shooting not so much as part of a broader interactive communication process, but rather from a self-centered framing and a pattern of excellent communication skills, the mayor conversely interprets the events mainly as part of a much broader communication process concerning much broader problems than just police misconduct (‘that’s true whether it’s about fighting crime or building housing or the economy or education’), in which he, but also others, take part.

Another apparent similarity between the discourse of the mayor and the police commissioner — and in this case also the police defenders — is their optimism conveyed about the processes that ensued after the shooting. However, the following three excerpts show how the character of the

optimism conveyed by the mayor contrasts sharply with that of the police commissioner and the police defenders:

MAYOR BLOOMBERG

*Before the indictments (March 2007)*

An excerpt from Mayor Bloomberg speaking at another press conference (March 13):

I'm not **concerned at all**. I think **this community understands that we have to follow the law**. I'm sure there **will be some hotheads no matter what happens on either side**, whether there are indictments or not — no indictments — or whatever the number of indictments.<sup>26</sup>

*Just before the acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

Explaining his **optimism** about the **city's response** to the racially charged case, he said: **"We've come a long way from the time when people rushed into the streets and tried to tear apart our society. I think people are today much more, sophisticated** may be the right word, or understanding. They're proud of the city. **They know it's not perfect; they want to improve it.**"<sup>27</sup>

*Just after the acquittals (April 25, 2008)*

Excerpts from Mr. Bloomberg's official statement sent to the media by e-mail:

There will be opportunities for peaceful dissent and potentially for further legal recourse — those are the rights we enjoy in a democratic nation. **We don't expect violence or law-breaking, nor is there any place for it.** We have come too far as a society — and as a city — to be **dragged back to those days.**<sup>28</sup>

NEW YORK POLICE DEPARTMENT

*Just after the shooting (November 2006)*

A *New York Times* excerpt on the role of Police Commissioner Kelly in the aftermath of the shooting (last week of November):

Mr. Kelly said that he **is as comfortable as ever being the face of the police in a controversy**, though he is **not so cocky as to predict outcomes.**<sup>29</sup>

*Just after the acquittals (April 25, 2008)*

Mr. Kelly's official statement:

**There have been no problems.** Obviously there will be **some people** who are disappointed with the verdict. We understand that. We have had **no history of violence** since this incident began as far as the vigils, the memorial services are concerned. **We don't anticipate violence** but **we are prepared** for any contingency.

**We have prepared.** We have done some drills and some practices with the appropriate units and personnel if there is any violence. But again **we don't anticipate violence.**<sup>30</sup>



## POLICE DEFENDERS

### *Before the indictments (March 2007)*

Mr. Lynch on the grand jury testimony of Officer Carey:

**“We’re pleased that today has come where we have the opportunity** for this police officer to go out and tell his side of the story: the thoughts he had at the time, the facts that he dealt with out in the street that night.”<sup>31</sup>

Mr. Martin on the grand jury testimony of Detective Cooper:

**“We do feel confident that the grand jurors will give him a fair shake,** as they will all the subject officers and detectives in this matter,” Mr. Martin said. **“We’re confident** that after considering all the evidence that will be posed to them, my client and all the other officers will be exonerated.”<sup>32</sup>

Mr. Martin on the grand jury trial:

**“We are cautiously optimistic** about the whole proceeding.”<sup>33</sup>

All three stakeholder groups in the quotes above look optimistically at the judicial processes ahead. Yet there are striking differences in the way these stakeholders do so. While Police Commissioner Kelly, Mr. Lynch and Mr. Martin combine an optimistic future-oriented interpretation of the processes after the shooting with a self-centered framing (‘he is as comfortable as ever being the face of the police in a controversy’; ‘we don’t anticipate violence’/‘we are prepared’; ‘we’re pleased [...] we have the opportunity’; ‘we do feel confident that the grand jurors will give him a fair shake’; and ‘we are cautiously optimistic about the whole proceeding’), the mayor’s optimistic future-oriented interpretation is paired with a stakeholder-centered framing (‘We’ve come a long way from the time when people rushed into the streets and tried to tear apart our society’).

What is also striking in the excerpts above is that Mayor Bloomberg specifically interprets the role of (most of the) police critics within this stakeholder-centered, optimistic, future-oriented framing (‘people are today much more sophisticated [...] or understanding’). His remarks oppose the pessimistic framing of police defenders, who interpret the role of police critics as ‘professional police haters’ instigating a historical and organic pattern of prolonged and profound unfair criticism, methods and motives. The mayor, conversely, says that this is a pattern of the past, not the present (‘to be dragged back to those days’), although he does acknowledge the pattern itself. The mayor does not interpret the role of all of the police critics in a positive way. By referring to ‘hotheads’ he makes a clear distinction between acceptable critical behavior and unacceptable critical behavior, not only from police critics, but also police defenders. This is in stark contrast with the police defenders’ negative interpretation of all criticism.

By saying that ‘they know it’s not perfect’, the mayor in fact subtly argues that he too believes the city needs improvement (in regard to police issues), thus indirectly interpreting the shooting as part of a pattern of police flaws and consequential need for progress. By saying this, the

mayor interprets the shooting from a stakeholder-centered perspective, in which he bases his interpretation on that of police critics, who see their own role as part of the civil rights movement against police misconduct and racial injustice. However, the mayor does not put specific emphasis on this misconduct and injustice itself, and moreover, mainly looks at the progress made. Thus, he does not interpret the process after the shooting from the same pessimistic perspective as the police critics, and his remarks for that matter do not match the police critics' statements that 'For too long we have tried to make changes, only to be disrespected.'<sup>34</sup>

Thus, the mayor in the statements above combines the police critics' framings of the civil rights movement and police misconduct, the police defenders framing of unfair criticism, and the Police Department's general optimistic framing of the events ahead. By doing so, the mayor thus again uses the interpretative framings of other stakeholders as guiding buoys, selectively incorporating mainly the positive aspects of these framings, while excluding the harsh and uncompromising ones.

On a rhetorical level, Mr. Bloomberg's stakeholder-centered perspective is underlined by the use of 'we'. By doing so, he blurs the lines between police critics ('people') and the New York population at large, of which the mayor is a part ('we'). This will be further discussed in Subsection 4.3.2.

In his interpretation of the aftermath of the shooting, the mayor also conveys his interpretations on the role of the criminal justice system, similar to police defenders and police critics:

#### MAYOR BLOOMBERG

##### *Just after the indictments (March 2007)*

Mayor Bloomberg speaking about the indictments (March 19):

Yesterday, Mayor Michael R. Bloomberg urged **New Yorkers to “respect the result of our justice system.”**

Mr. Bloomberg added: “It also needs to be said that being a police officer, as we were reminded several times last week, is a very dangerous job. And although **a trial will decide whether crimes** were committed in this case, day in and day out the NYPD does an incredible job under very difficult circumstances.”<sup>35</sup>

Mr. Bloomberg speaks out about speculations on a new witness (last week of March):

Mayor Michael R. Bloomberg cautioned about making any early judgments. “Let me say this is **a process that is going through the legal system of this city**, and at this point, **I think we should all step back and let our country of laws provide the kind of justice that young men and women are fighting around the world to protect**,” Mayor Bloomberg said.

“**The grand jury has spoken, and it’s now up to the next step in the legal process**, and we’ll wait to see how that unfolds,” he added.<sup>36</sup>

### *After the acquittals (April 2008)*

Excerpts from Mr. Bloomberg's official statement sent to the media by e-mail (April 25):

There are no winners in a trial like this. An innocent man lost his life, a bride lost her groom, two daughters lost their father, and a mother and a father lost their son. No verdict could ever end the grief that those who knew and loved Sean Bell suffer. Judge Cooperman's responsibility, however, was to decide the case based on the evidence presented in the courtroom. **America is a nation of laws**, and though not everyone will agree with the verdicts and opinions issued by the courts, **we accept their authority. Today's decision is no different.** There will be opportunities for **peaceful dissent and potentially for further legal recourse — those are the rights we enjoy in a democratic nation.** We don't expect violence or law-breaking, nor is there any place for it. We have come too far as a society — and as a city — to be dragged back to those days.<sup>37</sup>

### POLICE DEFENDERS

#### *During the grand jury process (March 2007)*

Mr. Martin on the grand jury testimony of Detective Cooper:

**"We do feel confident that the grand jurors will give him a fair shake,** as they will all the subject officers and detectives in this matter," Mr. Martin said. "We're **confident** that after considering all the evidence that will be posed to them, my client and all the other officers will be exonerated."<sup>38</sup>

### POLICE CRITICS

#### *After the funeral (December 2006)*

The Rev. Calvin O. Butts III speaking at a news conference outside City Hall that was called to announce a protest march for Sean Bell:

**"For too long we have tried to make changes, only to be disrespected."**<sup>39</sup>

Similar to police defenders and police critics, Mayor Bloomberg lays specific emphasis on the criminal justice system, yet their interpretations of this system are not identical.

The mayor's remarks especially do not match the interpretation of police critics, as he dismisses their interpretation that the judicial processes following the shooting are part of historical and organic patterns of systematic judicial and political failure, inadequacy and impasse. Moreover, his remark that 'those are the rights we enjoy in a democratic nation' opposes the highly emotional references made by police critics concerning the processes following the shooting, in particular the protests ('For too long we have tried to make changes, only to be disrespected').

Conversely, his remarks at first glance appear to interpret the role of the criminal justice system in the same way as police defenders. However, while the latter mainly interpret the processes after the shooting as part of a pattern of overall judicial justice, of which the outcome of the case is expected to fit in ('We do feel confident that the grand jurors will give him a fair shake'), the mayor, even more pronouncedly, both interprets the judicial process and the restricted opportunities for

criticism as an incontrovertible fact ('America is a nation of laws') which cannot and should not be circumvented ('we accept their authority', 'those are the rights we enjoy in a democratic nation'). In addition, he interprets the processes from a factual and process-oriented stance, which is void of emotions.

Apart from placing the trial itself within a broader optimistic stakeholder-centered framing, the mayor also interprets other aspects of the trial, and in particular the verdict:

### *Just before the acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

Answering questions from reporters, Mr. Bloomberg played down any suggestion that the city could erupt in violence whatever the verdict and said that **he planned to treat Friday like any other day**, although he acknowledged that **he did not think "the decision in the Sean Bell case is just like everything else."**

"Friday, I'm going to get up in the morning and run," he said. "I do pretty much **every morning**. I have a Spanish lesson **every morning**. I have a staff meeting most mornings. And I'm going to do the same kind of preparation for Friday that I do for **every other day**," as would the rest of the government to guarantee that "everybody will be safe and also at the same time have a right to say what they want to say."<sup>40</sup>

### *After the acquittals (April 2008)*

Excerpts from Mr. Bloomberg's official statement sent to the media by e-mail (April 25):

**There are no winners in a trial like this.** [...] An innocent man lost his life, a bride lost her groom, two daughters lost their father, and a mother and a father lost their son. **No verdict could ever end the grief that those who knew and loved Sean Bell suffer.**<sup>41</sup>

In the quotes above, the mayor interprets the trial itself in different, at first glance conflicting, ways. The main paradox can be found in the first statement, in that the mayor plans 'to treat Friday like any other day', and that 'he did not think the decision in the Sean Bell case is just like everything else'. While the first part of his statement diminishes the magnitude of the trial, by referring to it as just 'every other day', the second part conversely acknowledges this magnitude. In addition, the magnitude of the suffering is further underlined in the last statement, in which the mayor again links the interpretation of the trial ('no verdict') to the interpretation of the shooting ('the grief that those who knew and loved Sean Bell suffer').

These seemingly paradoxical interpretations can again be understood from the stakeholder-centered perspective by which the mayor frames the events that occurred both during and after the shooting.

Thus, the mayor only tones down the magnitude of the trial in the light of looming unrest, as does the NYPD, yet in other ways emphasizes the magnitude of the trial and verdict, interpreting the trial in a similar way to the police critics as an extension of the suffering felt by them.

## Summary

This subsection has demonstrated how the mayor's communication is characterized by various interpretative framings on the events occurring after the shooting and on the specific role of the stakeholders partaking in it.

These divergent framings can be understood by the two-pronged stakeholder-centered perspective deployed by the mayor in his interpretation of these processes. This perspective shapes the mayor's framings in three ways.

First, while Mr. Bloomberg does not often convey interpretations regarding his own role in the aftermath of the shooting — and moreover always does so in reference to a broader integral process in which all stakeholders take part — he elaborately interprets the role of other stakeholders in the debate in positive terms. The only stakeholder which the mayor does not specifically speak about in regard to the aftermath of the shooting is the group of police defenders, yet his general references to criticism and fighting problems are so inclusive that they can also refer to this group, and thus his statements indirectly interpret this group's role in a positive way too.

Second, within the stakeholder-centered perspective, the mayor selectively incorporates optimistic, future-oriented aspects of other stakeholders' framings, while excluding pessimistic and overtly negative, harsh and uncompromising aspects. Thus, the mayor again uses other stakeholders' framings as guiding buoys for his own interpretation.

Third, his strong focus on two-way communication and collaboration, which is a profound component in the interpretations of the mayor, by itself is stakeholder-centered, as he aims to include all stakeholders in a continuous debate on problems that extend to police misconduct and racial profiling.

Combined, the mayor's conveyed framings are less scattered than they appear to be. More specifically, within the mayor's optimistic two-pronged stakeholder-centered perspective, the processes following the shooting are on the one hand part of a historical and organic pattern of evolutionary sophistication in communication and collaboration between all stakeholders involved in problems that extend beyond police misconduct and racial injustice, and on the other hand they are part of a pattern of a 'nation of laws' in which laws delimit the conditions for criticism and in which only the criminal justice system can determine justice.

On a rhetorical level, Mr. Bloomberg's stakeholder-centered perspective is underlined by the use of 'we'. On a broader note, the vocabulary is more spontaneous, upfront and descriptive than that of the police commissioner.

Again, the stakeholder-centered perspective discussed in this subsection can be seen both as spontaneous discourse that reflects the interpretations of the mayor and as a strategic premeditated communication approach aimed at securing specific (communication) goals.

### 4.2.3 Conclusion

This section has demonstrated how both the transitory and dynamic interpretative framings concerning the shooting and that of the aftermath of the shooting fit within an optimistic two-pronged stakeholder-centered perspective. Within this perspective, the mayor's interpretations are built upon that of other stakeholders, selectively incorporating optimistic, future-oriented aspects of such framings — using the latter as guiding buoys — while also positively emphasizing the role of others in the debate as well as the importance of two-way communication and collaboration, rather than lauding personal efforts.

As with his perceptions, the mayor's interpretations do not change gradually over time, but are dependent on specific events. Mr. Bloomberg conveys those elements of his overall interpretation that match the stakeholder group affected by a specific event, mixing facts with emotion, personalization with generalization, and framings on the shooting with framings on the events following the shooting.

Together, these different aspects make up an overall historical and organic framing of both progress and need for progress; of personal and communal suffering; of the dangers the police officers face, as well as the incredible job performed by them; of solid NYPD guidelines which are not always followed; of evolutionary sophistication in communication and collaboration between all stakeholders involved in problems that extend to police misconduct and racial injustice; and of a pattern of a 'nation of laws' in which laws delimit conditions for criticism and in which only the criminal justice system can determine justice.

The mayor's interpretations, and in particular his stakeholder-centered perspective, can be seen as a strategic premeditated communication approach, rather than as spontaneous discourse, as he aims to secure specific communication goals with his discourse, i.e. two-way communication and collaboration.

It is important to note that the mayor's stakeholder-centered perspective and the consequential dynamic pattern of interpretative framings concerning both the shooting and events following the shooting starkly oppose the self-centered perspective maintained by police critics, the NYPD, and police defenders. As a result, the mayor is the only stakeholder that holds interpretations that are strongly coalition-oriented. The framings discussed in this section for that matter already give some insight into the way the mayor positions himself, as will be further discussed in Section 4.3.

## 4.3 Positioning

The transitory, inclusive stakeholder-centered perceptions and interpretations conveyed by Mayor Bloomberg already gave some insight into his positioning in the debate. This section will take a closer look at his positioning by examining the delineation of debate and reality, as well as the driving force and filter of debate, and the character of communication means deployed in the debate.

### 4.3.1 The delineation of debate: Acceptable police conduct, open communication, constant collaboration

Similar to Police Commissioner Kelly, the mayor does not communicate a clear, desired outcome of debate, as the police critics and to a lesser extent police defenders do. Yet while the police commissioner is mainly evasive and nondescript about his delineation of debate, the mayor rather communicates different messages about this delineation, similar to the eclectic perceptions and dynamic pattern of transitory framings discussed earlier. While police defenders also communicate different, sometimes conflicting, messages concerning the delineation of debate, the character of the mayor's discourse is not dual-layered, as police defenders' notion of 'appropriateness' is, but rather multifaceted.

The mayor for that matter does not specifically focus on one outcome of debate, or rather, one overall objective, but conveys various desired outcomes/objectives. This subsection will briefly discuss all of these, as well as the scope of negotiation space, and will then look at how these notions are challenged by other stakeholders throughout the debate.

Although Mr. Bloomberg conveys an array of different messages in regard to the delineation of debate, there is one description that stands out. It entails the profound and powerful positioning conveyed by the mayor during the first major press conference after the shooting and referred to by the *New York Times* at several moments throughout the aftermath:

#### *Just after the shooting (November 2006)*

Excerpts from the press conference held at City Hall (November 27):

"It sounds to me like excessive force was used," the mayor said of the conduct of the officers, who fired 50 shots outside a Queens nightclub early Saturday, killing Sean Bell, 23, hours before he was to be wed, and injuring two others. **"I can tell you that it is to me unacceptable or inexplicable how you can have 50-odd shots fired."**

[...] "I do not at this point believe that there was anything racially motivated here, but we'll wait and see whatever the facts are," Mr. Bloomberg said. "A lot of people feel that this on top of other incidents that have happened in the past is a pattern that is unacceptable. I find that **pattern unacceptable as well**," Mr. Bloomberg continued, adding that he saw the shooting as an isolated case.

[...] Mr. Bloomberg's approach of reaching out to community leaders has drawn praise, and he plans to go to southeast Queens today to meet with community leaders there. But his

efforts have left some unconvinced that the underlying conflicts between the police and predominantly black communities are being addressed.

“We prefer talking than not talking, but the object is not a conversation, the object is fairness and justice,” Mr. Sharpton said as he left City Hall. “Because we’re not just interested in being treated politely, we’re interested in being treated fairly and rightly. And that will happen **when police are held as accountable as anyone else.**”

Mr. Bloomberg **pledged to do just that**, saying that **the city would review its policies and training procedures to ensure fair treatment**, but he added that he did not believe that the shooting was racially motivated. Of the officers who fired on Mr. Bell’s car, two are black, one is black and Hispanic, and two are white.<sup>42</sup>

What stands out first in the quotes above is the focus on the word ‘unacceptable’, which appears to be a notion by which the mayor rigidly positions himself. More specifically, the word ‘unacceptable’ in itself appears to be rigid, as it draws a line between what is acceptable and what is not, thus suggesting a rigid positioning by the mayor. A closer look at the definition of unacceptable, however, shows how the word can be used in different, also less rigid ways:

### **Unacceptable**

Not satisfactory or allowable.<sup>43</sup>

The notion ‘not allowable’ is more forceful and rigid than ‘not satisfactory’, as it has legal and political connotations. Conversely, while the notion ‘not satisfactory’ is still rigid to a certain extent, as it draws a line between what the mayor finds is satisfactory and what is not, it does not necessarily involve political measures and repercussions. The use of the notion for that matter can be relatively free of obligations, while suggesting room for (non-compulsory) improvement, as opposed to the outright rejection implied in the more committal ‘not allowable’.

Because the mayor, in the excerpt above, only incorporates to a limited extent such measures, repercussions, or steps to be taken specifically in relation to the shooting, it is in fact unclear how the mayor uses the adjective. The only reference conveyed in the statement above is that ‘the city would review its policies and training procedures to ensure fair treatment’. This statement rather relates to ‘not satisfactory’ than ‘not allowable’, and moreover, rather forms an objective on its own (‘fair treatment’). At the least, the mayor clearly says what police conduct is satisfactory to him and what is not. Yet while his statement reflects a starting position and a delineation of debate, as well as a rigid delineation of reality — as will be discussed in the next subsection — it is unclear if it reflects the desired outcome of debate. The discussion of ‘debate challenges’ at the end of this subsection will look further into this.

The objective of ‘fair treatment’ of all New Yorkers, which the mayor also refers to at other instances in the debate, does not specifically relate to the Sean Bell case, but addresses broader police–community relations problems. The mayor also refers to this objective at other instances in the debate:



### *Before the indictments (March 2007)*

An excerpt from Mayor Bloomberg commenting on the shooting during a press conference (March 4):

Calling the incident “disturbing” and “worrisome,” Mr. Bloomberg said that he was awaiting the result of the district attorney’s investigation but that he was committed to **“do everything we can to make sure that the Police Department conducts itself in a way that treats everyone in the city fairly and equally.”**<sup>44</sup>

Again, the mayor focuses on fair and equal treatment for all, but does not specify the Sean Bell case particularly. It is further interesting to note that this objective is not directed at ‘them’, but involves active participation of the mayor himself, and of others that are part of ‘we’. This opposes the police critics objectives (‘Justice for Sean Bell’) and those of the police defenders (‘Fairness for all officers’), which are not only clear references to the Sean Bell case, but also involve participation of mainly other stakeholders.

The mayor does delineate the debate on Sean Bell in another, more direct way, as the following quote, at the end of the trial, reveals:

### *Just before acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

“In the six and a half years I’ve been mayor,” he said before reporters asked any questions, **“the most important thing is always the importance of keeping open communication and constant collaboration.** And that’s true whether it’s about fighting crime or building housing or the economy or education. I’ve always thought that **if we keep listening to each other, keep committing ourselves to be better as neighbors and as communities, there’s no challenge that we can’t overcome,** and I think this community’s a good example of this.”<sup>45</sup>

Although the mayor speaks in general terms about open communication and constant collaboration in his official statement just before the acquittals, his words clearly refer to the Sean Bell shooting. In this reference, he indirectly conveys his desired outcome of debate by saying that ‘there’s no challenge that we can’t overcome’, thus maintaining that the shooting itself is a challenge that should be overcome. This desired outcome of debate fits within the stakeholder-centered perspective, as he purposely includes all stakeholders and does not favor the needs and rights of one group over another (‘we’).

The means to achieve the desired outcome of debate, ‘open communication and constant collaboration’ also fit within the stakeholder-centered perspective, as such communication involves the participation of all stakeholders, and moreover, does not demand more participation of one group over another. Moreover, the notion of open communication and constant collaboration is stakeholder-centered by nature, as also discussed in Section 4.3.

Thus, the desired outcome of debate conveyed by the mayor in the *New York Times* involves ‘acceptable police conduct’ and ‘to overcome challenges’, while the means of achieving this involve ‘open communication and constant collaboration’.

It is important to note that in this specific analysis, the terms ‘desired outcome of debate’ and ‘desired process of debate’ are used simultaneously: while the mayor’s desired outcome of debate is different in nature from the clear-cut messages concerning the desired end-result of debate, he still conveys how he envisions an end result (i.e. the desired outcome of debate). The mayor’s positioning is furthermore not solely directed towards process either (as is that of the police commissioner).

In addition, while for now the distinction has been made between ‘desired outcome’ and ‘means to achieve this goal’, it might be possible that — in a similar way to the notion of ‘appropriateness’ conveyed by the NYPD — ‘open communication and constant collaboration’ can also be seen as overall objectives in the debate. More specifically, it fits within a broader goal to appease the existing and often conflicting feelings of different stakeholder groups, while maintaining law and order, as also discussed in Subsection 4.1.1. The discussion of debate challenges at the end of this subsection further examines this.

The timing of the quote above is also interesting, as the statement is conveyed at the end of the trial. It shows how the mayor does not focus on one specific desired outcome from beginning to end, while references to open communication are made throughout the aftermath of the shooting. The means of debate thus appear more important to the mayor than the desired outcome of debate.

It is interesting to see how the desired outcome of debate as well as the means of debate are challenged throughout the aftermath of the shooting. Such challenges are less obvious than those for police critics and police defenders, as the desired outcome and negotiation space are less clearly defined by the mayor than for these stakeholders. However, in the weeks after the shooting, two clear challenges do occur, as the following quotes show:

### ***Just after the shooting (November 2006)***

An excerpt from the press conference held at City Hall (November 27):

**“You should know that it is not the policy of the Police Department**, where a police officer can shoot at a car when the car is being used as a weapon,” Mr. Bloomberg said Monday at a City Hall news conference. “So at least, in that case, it would appear that the policies of the Police Department were broken.”<sup>46</sup>

A *New York Times* excerpt on the events taking place (November 28):

“I tried to express my deepest sympathies for their loss,” the mayor said at a news conference. “I don’t think that any parent can understand what it would be like to lose a child until it happens, and I just pray that for most of us parents, we never find out.” He added, **“There’s nothing the mayor can do** to bring back their son or their fiancé.”

[...] Despite facing criticism from two police unions, the Patrolmen’s Benevolent Association and the Detectives’ Endowment Association, Mayor Bloomberg **defended his decision to**

**characterize the shooting as “excessive.” But the mayor said, “I am a civilian, I’m not a professional law-enforcement officer,” and added, “That was my personal opinion.”**

[...] At the news conference, the mayor **acknowledged that relations between the police and the community were far from perfect.**<sup>47</sup>

*New York Times* analysis of events (last week of November):

But the first hours of the tragedy appeared to follow a distinctly **different script from the Diallo case, as city officials worked to maintain calm.** Mayor Michael R. **Bloomberg plans to meet Queens community leaders today at City Hall to discuss the shooting; he talked to prominent black elected officials and religious leaders throughout the weekend, and has spoken with Mr. Bell’s fiancée on the phone.**

[...] Mr. Bloomberg [...] enlisted his administration’s highest-ranking black official, Dennis M. Walcott, the deputy mayor for education and economic development as his point person on the case.<sup>48</sup>

Mr. Bloomberg speaks out on the initial protest marches (first week of December):

Meanwhile, Mayor Michael R. Bloomberg, in Florida yesterday, said that while people “have a right to express themselves” about the shooting, he **found “disgusting and disgraceful”** some demonstrators’ signs, which read “Death to Pigs.”<sup>49</sup>

In the excerpts above, the mayor’s delineation of debate is first of all challenged by the criticism of the two union leaders. In his response to this criticism, the mayor defends his initially conveyed stance by deliberately positioning himself as a layman (‘I am a civilian’), thus explaining that there is a difference between his ‘personal opinion’ and the expertise of a ‘professional law-enforcement officer’. By doing so, the mayor in fact says that the conduct of the officers is ‘not satisfactory’ to the mayor personally rather than that it is unallowable in law.

Another aspect of the mayor’s desired outcome/scope of debate — i.e. ‘constant collaboration’ — is challenged by the protest signs such as ‘Death to pigs’. By saying the remarks are ‘disgusting and disgraceful’ the mayor points out what is acceptable (in this case ‘not satisfactory’) communication and what is not. He thus delimits the negotiation space in which the debate can be held, but does this within the boundaries of shared values such as respect for others.

What is striking in the statements above is not that the mayor’s desired outcome and scope of debate are only challenged twice, but that the mayor reinforces aspects of his desired outcome of debate more frequently. For example, Mr. Bloomberg’s statement ‘You should know that it is not the policy of the Police Department’ is not a clear reference to an imminent debate challenge, although policy infringements do conflict with ‘fair treatment’. However, rather than responding to a debate challenge, the remark reinforces the mayor’s desire for open communication (‘you should know that’). Mr. Bloomberg thus not only sets an example for open communication, but he also defines the conditions for this open communication.

This reinforcement of the desired outcome of debate is also noted by the *New York Times*, which reports, in its analysis of events, that the mayor is involved in multiple activities that involve open communication and constant collaboration.

Another example of such reinforcement occurs at a Martin Luther King gathering in Harlem:

***During the Martin Luther King Day memorial (January 15, 2007)***

An excerpt from Mayor Bloomberg, speaking at an event hosted by Mr. Sharpton:

The subject of Mr. Bell's death was also raised by officials and pastors who spoke at black churches and at the Brooklyn Academy of Music's annual King Day commemoration, where Mayor Michael R. Bloomberg and City Council Speaker Christine Quinn each invoked Mr. Bell's memory.

[...] Mr. Bloomberg, though introduced with warm remarks by Mr. Sharpton, faced a chilly reception from some members of the audience, who occasionally interrupted his remarks with loud comments or questions, particularly on the topic of Mr. Bell. The mayor called Mr. Bell's death "a terrible moment for New York," which demonstrated that "despite all the progress we have made in this city, **we really do have a long ways to go.**"<sup>50</sup>

Again, his statement is rather a reinforcement of personal goals than a response to a debate challenge, although the setting at the gathering is described as 'chilly'. It is important to note that the mayor's discourse in this sense is remarkably different from that of the police commissioner, as such remarks are rarely made by the latter in the *New York Times*, the few examples of which were discussed in the 'conciliatory discourse' section at the end of Part II, Chapter 2.

However, shortly after this, when the mayor announced plans to increase the funds for the Civilian Complaint Review Board, he is not as outspoken anymore:

***In the period before the grand jury process (January 2007)***

*New York Times* excerpts on Mayor Bloomberg's plans to increase the funding for the Civilian Complaint Review Board:

Mr. Bloomberg said he planned to increase funds for the Civilian Complaint Review Board as part of an effort to make sure that the police treat **"every New Yorker equally and with dignity and that all complaints are taken seriously,"** a statement that **seemed to acknowledge wide outrage at the shooting of Mr. Bell, who died in a hail of 50 police bullets nearly eight weeks ago.**<sup>51</sup>

===

**"It would not have happened without the shooting,"** a city official, who spoke on the condition of anonymity, said of the plans to enlarge the board's budget.<sup>52</sup>

What catches the eye first in the excerpts above is how the increase in funds for the CCRB is not explicitly linked to the shooting. Although there is a suggested connection and causal relationship between the two events ('It would not have happened without the shooting'), the mayor does not mention this in his statement. In this respect, the mayor's discourse now resembles the NYPD's

nondescript and evasive discourse concerning proposed measures/investigations and the Sean Bell shooting ('Questions have arisen as to the quality and effectiveness of our training'). It is hard to pinpoint a reason for this apparent discrepancy in the nature of communication.

A different type of potential debate challenge occurs just before the indictments:

### *Just before the indictments (March 2007)*

Mr. Bloomberg speaking at a news conference in Washington (March 13):

**"We are not going to have any unrest. [...] We'll make sure** that everybody is protected. You will be as safe going out on the streets after a decision as you were before the decision."<sup>53</sup>

In this statement, the mayor's desired means of debate, i.e. 'open communication and constant collaboration' is potentially challenged by the possibility of unrest. The mayor for that matter does not respond to an existing challenge, he anticipates a latent one. He does so by using dogmatic assertions in regard to what he believes is going to happen in order to safeguard his desired outcome of debate. He links his desired outcome/means of debate to the delineation of reality, as will also be discussed in the next subsection.

His statement is also interesting in that it is not directed at 'them', but at 'us'. The mayor not only delimits what is acceptable to him, and what is not, he includes himself in the 'we' group ('we are not going to have any unrest'), and he uses mayoral powers to guarantee this ('we'll make sure').

On a broader note, it is interesting how the mayor at this stage in the aftermath does not convey anymore whether the conduct of the officers is acceptable or not. He only rigidly delineates what is acceptable to him in regard to open communication and constant collaboration. This pattern continues after the indictments:

### *After the indictments (March 2007)*

Mayor Bloomberg on the indictments (March 19):

Yesterday, Mayor Michael R. Bloomberg **urged New Yorkers to "respect the result of our justice system."**

Mr. Bloomberg added: "It also **needs to be said** that being a police officer, as we were reminded several times last week, is a very dangerous job. And **although a trial will decide whether crimes were committed in this case**, day in and day out the NYPD does an incredible job under very difficult circumstances."<sup>54</sup>

Mr. Bloomberg responding to the speculations on a new witness (last week of March):

Mayor Michael R. Bloomberg cautioned about making any early judgments. "Let me say this is a process that is going through the legal system of this city, and at this point, **I think we should all step back and let our country of laws provide the kind of justice that young men and women are fighting around the world to protect,**" Mayor Bloomberg said.

“The grand jury has spoken, **and it’s now up to the next step in the legal process**, and **we’ll wait to** see how that unfolds,” he added.<sup>55</sup>

In the first excerpt, the mayor’s desired outcome of debate is not directly challenged, although the indictments by themselves can challenge this, as the criticism and the possibility of dissent could conflict with what the mayor considers open communication and constant collaboration. In order to prevent this from taking place, the mayor purposely sets an example in open communication, in order to safeguard his desired outcome of debate. He also sets the conditions for what open communication is (‘it needs to be said’), while using persuasive techniques (‘urged’). In addition, he also sets conditions for the process of debate by saying that ‘a trial will decide whether crimes were committed in this case’, thus indirectly stating there is no room for dissent.

In the second excerpt, Mayor Bloomberg’s desired outcome and scope of debate are not directly challenged either. However, the mayor does set the standards for what is acceptable and what is not. He does this by persuasion (‘I think we should’), but also by dogmatic assertions (‘it’s now up to the next step in the legal process’); by presenting acceptable behavior as an incontrovertible fact (‘we’ll wait to see how that unfolds’); and by appealing to communally accepted values such as justice and freedom (‘let our country of laws provide the kind of justice that young men and women are fighting around the world to protect’).

On a rhetorical level, the mayor uses ‘we’ in an inclusive way, referring to all ‘New Yorkers’, or on a broader level to ‘our country’.

A more imminent debate challenge occurs just after the acquittals, when protest marches are imminent:

#### *After the acquittals (April 2008)*

Mr. Bloomberg’s statement, sent to the media by e-mail (April 25)

Judge Cooperman’s responsibility, however, was to decide the case based on the evidence presented in the courtroom. **America is a nation of laws**, and though not everyone will agree with the verdicts and opinions issued by the courts, **we accept their authority**. Today’s decision is no different. There will be opportunities for peaceful dissent and potentially for further legal recourse — those are the rights we enjoy in a democratic nation. We don’t expect violence or law-breaking, **nor is there any place for it. We have come too far as a society — and as a city — to be dragged back to those days.**<sup>56</sup>

When I spoke with Nicole Paultre Bell on the steps of City Hall this week, I told her that while we can’t bring back the man that she was in love with, **we can and will build and make things better**. She replied, “Yes, and make sure it doesn’t happen again,” and I agreed, “Yes, that’s exactly **what we have to do.**” **All of us have a responsibility** to improve our neighborhoods and our city, and we can only do that **by working together, respecting one another and doing everything possible to prevent future tragedies and injustices.**<sup>57</sup>

In a similar fashion as to after the indictments, the mayor again sets the standards for what is acceptable in communication and interaction and what is not. He does this by displaying his mayoral

powers ('nor is there any place for it'); by setting an example ('that's exactly what we have to do'); by showing shared responsibility between the mayor and citizens ('that's exactly what we have to do' and 'all of us have a responsibility'); by presenting acceptable behavior as an incontrovertible fact ('we accept their authority'); by appealing to core values such as progress ('We have come too far as a society'); and by indirectly relating dissent to set standards with backwardness and savagery ('to be dragged back to those days').

## **Summary**

This subsection has demonstrated how the different objectives in debate conveyed by Mr. Bloomberg can be summarized as the realization and safeguarding of acceptable police conduct and fair treatment of all New Yorkers, while overcoming related challenges such as the Sean Bell shooting. This overall objective is not rigidly defined, as the term 'acceptable' — used to delimit the objective — rather refers to the mayor's personal opinion than that it is a rhetorical way to exert mayoral powers. However, this does not imply that the mayor will not try to realize his objectives, as his proactive approach in reinforcing the objectives shows.

While other stakeholders focus on their personal needs while placing responsibility for such needs mainly with others, the mayor includes the needs of all stakeholders and thus does not favor the needs and rights of one group over another. Moreover, the mayor, like the police commissioner, does not proactively speak out about a personal desired outcome as the police critics and police defenders do. He also assigns most of the responsibility for achieving these goals to himself, and to 'all New Yorkers'. Such a stance fits within the mayor's stakeholder-centered inclusive approach.

The means of achieving these objectives, i.e. through 'open communication and constant collaboration', are, conversely, rigidly defined. The mayor clearly distinguishes between acceptable behavior and non-acceptable behavior, and does not shy away from using his mayoral powers to safeguard this process. Open communication and constant collaboration become primary objectives by themselves for that matter, rather than being methods to achieve them. In a broader sense, the mayor aims to appease the existing and often conflicting feelings of different stakeholder groups, while maintaining law and order. This in itself is stakeholder-centered, as communication and collaboration are inclusive acts.

Because the mayor's goals are more personal than they are directed at others, and are mostly not rigidly defined, the mayor only rarely has to deal with debate challenges. These challenges, such as potential public dissent, rather involve the means of achieving the objectives than the 'official' objectives themselves. Again, the means become the objective, for that matter. Conversely, the mayor more proactively prevents debate challenges from occurring, while reinforcing his objectives on numerous occasions. Only on one occasion is the communication evasive and non-reinforcing; a discrepancy that is hard to explain. A possible explanation could be that the funding for the CCRB is

the only direct solution presented by the mayor, as opposed to the indirect, future-oriented solutions conveyed.

Mayor Bloomberg uses different techniques to safeguard his desired outcome of debate. These techniques include the display of mayoral powers; the setting of an example in — but also the conditions for — open communication and acceptable behavior; references to the shared responsibility between the mayor and citizens and the related rhetorical use of ‘we’; the presentation of acceptable behavior as an incontrovertible fact; the use of persuasion and dogmatic assertions; the making of appeals to core values such as progress, justice and freedom; the linking of dissent towards set standards with backwardness and savagery; and finally the explanation that there is a difference between the mayor’s ‘personal opinion’ and the expertise of a ‘professional law-enforcement officer’, thus indirectly weakening his position, while broadening the boundaries of his desired outcome of debate.

#### **4.3.2 The delineation of reality: An inclusive ‘we’ positioning**

The analysis in previous sections has already provided some insight into the scope of the reality held by the mayor. More specifically, the transitory stakeholder-centered character of the mayor’s perceptions and interpretations suggest a more flexibly-held reality, in which there is room for more than one version of the truth, in contrast to the rigidly defined reality resulting from the fixed self-centered character of the perceptions and interpretations of other stakeholders.

Part of the scope of the reality held by the mayor — unavoidably — has already been discussed in previous sections. This subsection, in turn, specifically examines how rigidly the mayor presents his transitory reality. It is important to note that transience and flexibility do not have a rigid causal relationship, as a changing reality can still be conveyed in a rigid manner at different moments during the aftermath. This subsection also specifically looks at which parts of the reality held by the mayor are flexible and which parts are not.

Similar to other stakeholders, the mayor uses specific rhetoric to delimit his reality. However, this rhetoric differs starkly from the police critics and police defenders’ focus on ‘the truth’. This is a direct result of the conditions on which the mayor bases his interpretation, as the following excerpt shows:

##### ***Just after the shooting (November 2006)***

An excerpt from the official statement made by Mayor Bloomberg (November 25):

“Although it is **too early to draw conclusions** about this morning’s shootings in Jamaica, Queens, **we know that** the NYPD officers on the scene had reason to believe that an altercation involving a firearm was about to happen and were trying to stop it.”<sup>58</sup>



What is interesting in the statement above is that the mayor's response is based on 'what we know'. By saying this, the mayor positions himself by providing insight into the scope of his reality.

This positioning — at first glance — appears to be similar to that of the Police Department at the beginning of the shooting, as the latter also said that it was 'too early to draw conclusions about the case'. However, while the police commissioner's reasons for the reticence change throughout the aftermath of the shooting, the reticence itself remains a stable factor in the communication of the NYPD. Conversely, the mayor's reasons for reticence remain the same (i.e. 'what we know'), and therefore his initial reticence/reality evolves into a more detailed and opinionated response when more details on the shooting come to the surface, and moreover, changes pursuant to specific events and the effects these events have on stakeholders, as demonstrated in the previous section. His flexible positioning is for that matter also different from that of the police critics and police defenders who, from the very start, either condemned the shooting or stressed the innocence of the officers, and do not change this positioning after more facts surface in connection with the case.

The condition 'what we know' translates itself into specific rhetoric that differs starkly from that of other stakeholders. Other statements made by the mayor demonstrate this:

#### *Just after the shooting (November 2006)*

Excerpts from the press conference held at City Hall (November 27):

"It **sounds to me** like excessive force was used," the mayor said of the conduct of the officers, who fired 50 shots outside a Queens nightclub early Saturday, killing Sean Bell, 23, hours before he was to be wed, and injuring two others. "**I can tell you that it is to me unacceptable or inexplicable** how you can have 50-odd shots fired."

Mr. Bloomberg made the remarks after meeting with some of the city's most influential black politicians and community leaders, including Representative Charles B. Rangel, the Rev. Al Sharpton and dozens of others.

[...] "**I do not at this point** believe that there was **anything** racially motivated **here**, but **we**'ll wait and see whatever **the facts are**," Mr. Bloomberg said. "A lot of people feel that this on top of other incidents that have happened in the past is a pattern that is unacceptable. **I find** that pattern unacceptable as well," Mr. Bloomberg continued, adding that **he saw** the shooting as an isolated case.<sup>59</sup>

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"**There is no evidence** that they were doing anything wrong," Mayor Michael R. Bloomberg said Monday of Mr. Guzman, Mr. Bell and Mr. Benefield. "**Clearly they were victims.**"<sup>60</sup>

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"**You should know** that it is **not the policy of the Police Department**, where a police officer can shoot at a car when the car is being used as a weapon," Mr. Bloomberg said Monday at a City Hall news conference. "So at least, in that case, **it would appear** that the policies of the Police Department were broken."

Mr. Kelly said, “**As far as** the policy of using deadly force against a vehicle — we **have a policy that prohibits that if the only deadly force that’s being used against you is the vehicle itself.**”<sup>61</sup>

*New York Times* excerpts on events taking place (November 28):

With Police Commissioner Raymond W. Kelly at his side, Mr. Bloomberg also conceded that many black New Yorkers believe that the Police Department practices racial profiling, although it is prohibited by city policy. “There’s a feeling among an awful lot of people that kids, particularly teenagers, young men, **get stopped based on the color of their skin**, and the commissioner and I both said that that is, **No. 1, not the policy.**”

[...] Afterwards [meeting with community members], at the news conference, the mayor **acknowledged that relations between the police and the community were far from perfect.**<sup>62</sup>

*Just after the indictments (March 2007)*

Mayor Bloomberg on the indictments (March 19):

“It **also needs** to be said that **being a police officer**, as **we were reminded** several times last week, **is a very dangerous job.** And although a trial will decide whether crimes were committed in this case, **day in and day out the NYPD does an incredible job under very difficult circumstances.**”<sup>63</sup>

*Just after the acquittals (April 2008)*

Excerpts of Mr. Bloomberg’s official statement sent to the media by e-mail (April 25):

There are **no winners in a trial like this.** An innocent man lost his life, a bride lost her groom, two daughters lost their father, and a mother and a father lost their son. No verdict could ever end the grief that those who knew and loved Sean Bell suffer.<sup>64</sup>

In the quotes above, the mayor specifically points out that his conception of what happened on the night of the shooting is not necessarily complete, and truthful, but rather flexible and transitory. He does so by bringing in his own subjectivity and using an explicit epistemic grounding (‘It sounds to me’; ‘I find’; ‘he saw’; ‘I do not at this point’). This flexible character of reality is a direct consequence of the mayor’s delimitation of reality by ‘what we know’. The mayor’s remark ‘I do not at this point’ for that matter literally opposes Mr. Palladino’s previously discussed static response ‘My position is today what it was from the beginning’.

The mayor also uses synonyms for ‘what we know’ to show how flexible the boundaries of his held reality are. More specifically — and similar to the NYPD — the mayor points out that his reality is based on ‘what the facts are’. However, while the latter does not convey its reality based on these facts at any point throughout the aftermath of the shooting, the mayor conversely does so when such facts become available. Consequently, his reality is constantly transitory and flexible, because the conditions of this reality — the facts — can change.

On a broader note, the mayor clearly distinguishes between his opinion and ‘a single version of the truth’ by not using dogmatic assertions to define this truth, in contrast to the pervasiveness of such assertions in the communication conveyed by police critics and police defenders.

However, not all elements in the quotes above appear transitory in nature. The mayor in fact clearly positions himself by certain statements, in contrast to the police commissioner. For example, the statement ‘You should know that it is not the policy of the Police Department’ might appear similar to that of the police commissioner, as both interpret the event from a factual stance, but the consequential argumentation from within this interpretative framing is, however, very different. More specifically, while the police commissioner simply states the rule (‘we have a policy’), the mayor conversely positions himself by means of his interpretative framing of the shooting.

Thus, when available information consists of proven facts, or appears to do so, the mayor’s reality is presented in a more static way (‘there is no evidence’; ‘clearly they were victims’; ‘that it is not the policy of the Police Department’; ‘we have a policy that prohibits’; ‘being a police officer [...] is a very dangerous job’). In such instances, the mayor does use dogmatic assertions (‘no’) and empathic vocabulary (‘clearly’) to delimit his reality, and also includes other stakeholders in his perception (‘as we were reminded several times last week’). Yet the mayor still leaves room for different versions of the truth in these specific statements. He does so for example by building his reality concerning the facts (‘evidence’). Moreover, his presentation of reality becomes more flexible again (‘it would appear’), when he applies factual information, such as NYPD’s guidelines and policies, to the shooting itself, of which not all the facts are known.

A different type of dogmatic assertion is the remark ‘there are no winners in a trial like this’, in which the suffering of all people involved is presented as a rigidly defined reality. Yet this reality does not differentiate between stakeholders (the ‘us-versus-them’ schism), and hence is stakeholder-centered.

In addition to these factual elements, the mayor presents his opinion/value-based perceptions in an apparent equally rigid way, by using forceful, rigid dichotomous language (‘unacceptable’, ‘inexplicable’). However, Mr. Bloomberg still leaves room for different versions of the truth by emphasizing that his observation is based on his own interpretations and thus is not a fixed reality (‘to me’), and moreover, can change based on investigations by experts — i.e. ‘what we know’ — in this matter (‘but that’s up to the investigation to find out what really happened’).

It is important to note that most of the transitory and non-transitory aspects fit within the realities presented by other stakeholders, as discussed in Section 4.2. Moreover, the conveyed aspects of specific realities held by other stakeholders conflict only to a limited degree with other presented realities, which reflects the inclusive stakeholder-centered perspective by which the mayor interprets the shooting and the events that took place afterwards. For example, the reality that ‘being a police

officer [...] is a very dangerous job' is never refuted by police critics, although it is not specifically stressed. Conversely, police critics do dismiss the reality that the 'NYPD does an incredible job'.

There is one 'rigidly defined' aspect in the reality held by the mayor that has not been discussed yet, as it deserves a closer, separate, look:

*Just after the shooting (November 2006)*

Mayor Bloomberg speaking at a news conference (November 28):

"I tried to express my deepest sympathies for their loss," the mayor said at a news conference. "I don't think that any parent can understand what it would be like to lose a child until it happens, and I just pray that for most of us parents, we never find out." He added, **"There's nothing the mayor can do to bring back their son or their fiancé."**<sup>65</sup>

In the statement above, the mayor uses definite rhetoric ('there's nothing') to stress that he can't 'bring back their son or their fiancé'. While his specific statement observes the obvious on a superficial level and for that matter does not delimit reality, on a deeper level the mayor does convey a rigidly defined conception that the powers of the mayor are limited.

In the previous chapters, the discussion also focused on how presented solutions reflect the scope of the reality of stakeholders. However, such solutions are so ingrained in the discourse of the mayor, that they are part of the desired outcome of debate, as discussed in the previous subsection. These solutions are never direct measures (except for the funding for the CCRB, which was not directly linked to the Sean Bell shooting), but focus on 'open communication and constant collaboration'. By themselves, these solutions are stakeholder-centered and purposely include multiple realities. For that matter, the solutions presented by the mayor are both coalition-oriented and broadly delimited, in sharp contrast to earlier discussed solutions.

Similar to the mayor's desired outcome of debate, the reality held by Mr. Bloomberg is hardly challenged, as it is stakeholder-centered and thus encompasses mainly future-oriented, optimistic elements that fit within the interpretative framings of other stakeholders. Throughout the aftermath of debate, the mayor rather reinforces his reality than that he has to defend it. Take for example the following excerpt:

*Just after the shooting (November 2006)*

*New York Times* excerpts on the events taking place (November 28):

After leaving the church yesterday, Mr. Bloomberg traveled to Thomasina Catering in St. Albans to meet with about 50 community leaders. Afterwards, at the news conference, the mayor acknowledged that relations between the police and the community were far from perfect.

"There were people that stood up and said we've made a lot of progress and there were people that stood up and said we have a long ways to go," the mayor said. "And I **think both of those groups were right on target.**"

[...] Participants in the meeting with Mr. Bloomberg and Mr. Kelly offered a mix of reactions. “I think the mayor was being open and candid,” said Manuel Caughman, an aide to Assemblyman William Scarborough. “He told us as much information as possible.”

Others expressed frustration. Dorothy N. Ogundu, a physician, urged the police to improve training. “Let’s pray over the dead, but first, let’s help the living,” she said. “Let’s make sure one more person doesn’t die unnecessarily like this.”

Still others said they believed the meeting was held mostly to keep them quiet. “Underneath, we’re not calm,” said Irene Marcelle, a retired school counselor. **“We don’t feel the mechanisms are at work to really bring peace and justice.”**

Robert A. U. Hogan, president of the residents association at the Baisley Park public housing project, noted the absence of young people at the meeting. “No one in that room,” he said, “is going through what the young people are going through in this community.”<sup>66</sup>

In the excerpt above, the mayor’s reality is not directly challenged, although some remarks are certainly critical of the mayor’s performance (‘We don’t feel the mechanisms are at work to really bring peace and justice’). However, such remarks, which were most probably also made towards the mayor directly during the meeting, and not just to the press afterwards, do not particularly challenge the reality held by the mayor, as he, in contrast to the police commissioner, does not present a rigidly defined reality in the first place in which he dogmatically commends his own performance or stresses that police–community relations are ‘the best we’ve ever had’.

His response to the meeting for that matter is not a response to a reality challenge, but merely an affirmation of the mayor’s positioning. Not only does the remark ‘both of those groups were right on target’ show how the mayor interprets the shooting from a stakeholder-centered perspective, as discussed in Section 4.2, it also shows how such a perspective results in a flexible and inclusive presentation of reality that does not focus on one single version of the truth, but instead incorporates multiple vantage points into one all-encompassing reality. On a rhetorical level, the epistemic grounding (‘I think’), underlines the transitory and flexible presentation of reality.

There are but few examples when real reality challenges occur. The main challenge is the criticism the mayor receives from the police unions for conveying his value-based dichotomous perceptions of the shooting:

### ***Just after the shooting (November 2006)***

A *New York Times* excerpt on the events taking place (November 28):

Despite facing criticism from two police unions, the Patrolmen’s Benevolent Association and the Detectives’ Endowment Association, Mayor Bloomberg **defended his decision to characterize the shooting as “excessive.”** But the mayor said, **“I am a civilian, I’m not a professional law-enforcement officer,”** and added, **“That was my personal opinion.”**<sup>67</sup>

In this excerpt, the mayor’s reality of the shooting is questioned by the two main police unions. In his reaction to this challenge, the mayor maintains his positioning, as he does not change his initial

comment. For that matter, his statement shows the demarcation lines of the reality held by the mayor. However, the mayor again stresses that his conception of the shooting does not entail ‘one single version of the truth’ (‘That was my personal opinion’). He also diminishes the magnitude of his own expertise (‘I am a civilian, I’m not a professional law-enforcement officer’). In addition, he stresses the transitory character of his reality (‘was’), while not further mentioning if his opinion has changed.

Thus, while the statement shows the demarcation lines of the personal reality of the mayor, it does not do so for a ‘universal reality’.

Other reality challenges are closely entwined with his desired outcome of debate, as already noted in the previous subsection. Take for example:

### *Just before indictments (March 2007)*

Mr. Bloomberg speaking at a news conference in Washington (March 13):

**“We are not** going to have **any unrest**. [...] We’ll make sure that everybody is protected. **You will be as safe** going out on the streets after a decision as you were before the decision.”<sup>68</sup>

In the quote above, the mayor anticipates a potentially upcoming reality challenge (‘unrest’), by affirming that this reality will not materialize (‘we are not going to have’ and ‘you will be as safe’). His remark and use of dogmatic assertions for that matter both respond to a reality and a debate challenge. As spontaneous discourse, these remarks show how the mayor sees the current society as peaceful and safe, and how he rigidly delimits this reality. However, as part of a strategic communication approach, the quote helps the mayor to safeguard the conditions for ‘open communication and constant collaboration’.

### **From an all-encompassing reality to an inclusive ‘we’ positioning**

The broadly defined reality presented by the mayor, in combination with the stakeholder-centered perceptions and interpretations, does not lead to an ‘us-versus-them’ positioning, as the reality and perceptions of other stakeholders do. However, the mayor does use the word ‘we’ often in his discourse and at times also ‘them’, and it is interesting to take a closer look at the meaning and implications of this. It is specifically interesting to see who ‘we’ is and who ‘them’ are in the rhetoric used by the mayor. The following quotes provide further insight into this:

### *Just after the shooting (November 2006)*

Official statement made by Mayor Bloomberg (November 25):

“Although it is too early to draw conclusions about this morning’s shootings in Jamaica, Queens, we know that the NYPD officers on the scene had reason to believe that an altercation involving a firearm was about to happen and were trying to stop it. **Commissioner Kelly, Deputy Mayor Walcott, and I** have been in touch with **community leaders**

throughout the day to hear **their** concerns and update them on **what we know**, and we will keep them informed as this investigation continues.”<sup>69</sup>

Excerpts from the press conference held at City Hall (November 27):

Mayor Michael R. Bloomberg convened an extraordinary meeting of black religious leaders and elected officials at City Hall yesterday to calm frayed tempers over the fatal police shooting of an unarmed black man in Queens, calling the circumstances “inexplicable” and “unacceptable.”

[...] “**I** do not at this point believe that there was anything racially motivated here, but **we’ll wait** and see whatever **the facts are**,” Mr. Bloomberg said. “**A lot of people feel that** this on top of other incidents that have happened in the past is a pattern that is unacceptable. **I** find that pattern unacceptable as well,” Mr. Bloomberg continued, adding that he saw the shooting as an isolated case.”<sup>70</sup>

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“You should know that it is **not the policy of the Police Department**, where a police officer can shoot at a car when the car is being used as a weapon,” Mr. Bloomberg said Monday at a City Hall news conference. “So at least, in that case, it would appear that the policies of the Police Department were broken.”

Mr. Kelly said, “As far as the policy of using deadly force against a vehicle — **we have a policy** that prohibits that if the only deadly force that’s being used against you is the vehicle itself.”<sup>71</sup>

Mayor Bloomberg speaking at a news conference (November 28):

“I tried to express my deepest sympathies for **their loss**,” the mayor said at a news conference. “I don’t think that **any parent** can understand what it would be like to **lose** a child until it happens, and I just pray that for most **of us parents**, we never find out.” He added, “There’s nothing the mayor can do to bring back **their son or their fiancé**.”<sup>72</sup>

In these excerpts, the mayor makes several remarks about ‘us’ and ‘them’. To start with, in the first excerpt, the mayor specifically distinguishes between ‘Commissioner Kelly, Deputy Mayor Walcott, and I’ and ‘community leaders/their loss/their son/their fiancé’. While this distinction resembles the ‘us’ and ‘them’ lines held by other stakeholders, these groups are not pitted against each other in the positioning of the mayor, as in the ‘us-versus-them’ positioning taken by these other stakeholders. Not only is there a strong cooperative link between ‘us’ and ‘them’, the mayor is especially detailed on the feelings of the ‘them’ group. It is interesting how the distinction between ‘us’ and ‘them’ is flexible in the excerpts above, as the mayor also speaks of ‘us parents’, thus creating a new ‘us’ feeling of understanding. The consistency of ‘we’ is also flexible in other instances. While the mayor says that ‘we have a policy’, implying that ‘we’ consists of both himself and the NYPD, he also speaks of the Police Department as ‘them’ (‘not the policy of the Police Department’). As a final point, the mayor also speaks of ‘I’. He does so when referring to his own opinion, as opposed to that of others (‘a lot of people feel’).

Later on in the aftermath, the mayor conveys a similar flexible distinction between ‘us’ and ‘them’:

*During the Martin Luther King Day memorial (January 15, 2007)*

An excerpt from Mayor Bloomberg, speaking at an event hosted by Mr. Sharpton:

“The tragedy of Sean Bell was a terrible moment for **New York and certainly for his family**. It showed us that despite all the progress we’ve made in this city we really do have a long ways to go.”<sup>73</sup>

*Before the indictments (March 2007)*

An excerpt from Mayor Bloomberg commenting on the shooting during a press conference (March 4):

Calling the incident “disturbing” and “worrisome,” Mr. Bloomberg said that he was awaiting the result of the district attorney’s investigation but that **he** was committed to “**do everything we can to make sure that the Police Department conducts itself in a way that treats everyone in the city fairly and equally**.”<sup>74</sup>

*Just after the indictments (March 2007)*

Mayor Bloomberg on the indictments (March 19):

Mr. Bloomberg added: “It also needs to be said that being a police officer, as **we were reminded** several times last week, is a very dangerous job. And although a trial will decide whether crimes were committed in this case, day in and day out the NYPD does an incredible job under very difficult circumstances.”<sup>75</sup>

Mr. Bloomberg speaks out about speculations on a new witness (last week of March):

Mayor Michael R. Bloomberg cautioned about making any early judgments. “Let **me** say this is a process that is going through **the legal system of this city**, and at this point, **I think we should all step back** and let our country of laws provide the kind of justice that young men and women are fighting around the world to protect,” Mayor Bloomberg said.<sup>76</sup>

*Just before the acquittals (April 2008)*

An excerpt from Mr. Bloomberg speaking at a press conference (April 23):

“In the six and a half years **I’ve been mayor**,” he said before reporters asked any questions, “the most important thing is always the importance of keeping open communication and constant collaboration. And that’s true whether it’s about fighting crime or building housing or the economy or education. **I’ve always thought that if we keep listening to each other, keep committing ourselves to be better as neighbors and as communities, there’s no challenge that we can’t overcome**, and I think this community’s a good example of this.”<sup>77</sup>

What stands out foremost in the statements above is the inclusive way the word ‘we’ is used. The mayor especially uses the word when referring directly to open communication and constant collaboration (‘if we keep listening to each other, keep committing ourselves to be better as neighbors and as communities, there’s no challenge that we can’t overcome’), but also in more subtle ways (‘we were reminded’). In these instances, the reference to ‘we’ stands for all New Yorkers. Moreover, the



mayor also uses 'we' in these instances to assign responsibility ('committing ourselves'), set communal standards ('we should step back') and pinpoint shared victimization ('a terrible moment for New York and certainly for his family'). Again, the mayor uses 'I' to make a distinction between personal opinion and collective feelings ('I think'; 'I have always thought'; 'Let me say').

Thus, instead of an 'us-versus-them' positioning, the mayor holds an inclusive yet flexible 'I', 'us' and 'them' positioning, in which 'I' is used to convey personal opinions, 'us' to refer to shared responsibility, standards and victimization and the need for open communication and constant collaboration, and 'them' to show the collaborative relationship with 'us'. There is thus no room for a depersonalized 'them', or for a delimited 'us'.

### **Summary**

This subsection has demonstrated how the mayor's stakeholder-centered interpretative perspective — based on both 'what we know' and on the realities of others — as well as the transitory, inclusive perceptions — lead to a flexible, changing, personal yet all-encompassing stakeholder-centered reality which is broadly delimited and allows for multiple vantage points and versions of the truth to coexist. This flexibility becomes apparent in the epistemic grounding, which most of the time leaves space for different interpretations. While not all elements are equally flexible, for instance when available facts are proven, or when the mayor's opinion is stakeholder-centered in the first place ('there are no winners in a trial like this'), the mayor in most instances distinguishes between his own opinion and that of others, while still using forceful, rigid dichotomous language. Also, the solutions presented by the mayor are stakeholder-centered, as they focus on open communication and constant collaboration. The rigidly presented elements are used as a communication tool to underline that the powers of the mayor are limited, but also to present the desired outcome of debate and the processes leading to this desired outcome as a fact.

The flexible, changing, personal and broadly delimited reality presented by the mayor is hardly challenged due to its specific nature. Although the mayor does receive criticism, such criticism does not pose a reality challenge, as the reality held by the mayor allows for such criticism. The mayor thus merely affirms his positioning. The mayor responds to the rare reality challenges by focusing on the personal aspect of his reality, while diminishing the magnitude of his own expertise, thus allowing for multiple versions of the truth.

The stakeholder-centered inclusive perspective and positioning, as well as the conveyed perceptions aimed at appeasing the existing and often conflicting feelings of different stakeholder groups, lead to an inclusive 'we' positioning that does not allow for a depersonalized, culpable 'them'. The components 'I' and 'them' have a subordinate, functional role within this positioning.

#### 4.3.3 The driving force of response, the character of communication, and ‘multiple hues of communication’

In previous chapters, the discussion of the stakeholders’ positioning included detailed analyses concerning the driving force of response, the character of communication means, and the existing conciliatory discourse. For the mayor’s communication, however, this is not necessary, as such analyses have been interwoven into preceding subsections.

To start with the driving force of response, the analysis so far has shown how the mayor’s response is driven by other stakeholders, the need to ‘overcome’ problems (by future-oriented solutions), and also by ‘what we know’. Moreover, these notions also function as a filter: each new development is assessed by looking at the three listed elements. This driving force, starting position and filter of debate have led to a flexible and inclusive stakeholder-centered positioning.

The character of the deployed means of communication has also been discussed throughout this chapter. While other stakeholders use harsh communication techniques to accomplish the personal desired outcome of debate and to delimit the scope of reality, the mayor uses inclusive communication techniques in order to safeguard a communal desired outcome of debate and an all-encompassing inclusive reality. Such techniques include the display of mayoral powers; the setting of an example in — but also the conditions for — open communication and acceptable behavior; references to the shared responsibility, standards and victimization between the mayor and citizens and the related rhetorical use of ‘we’; the presentation of acceptable behavior as an incontrovertible fact; the use of persuasion and dogmatic assertions; the making of appeals to communally accepted values such as progress, justice and freedom; the linking of dissent towards set standards with backwardness and savagery; the explanation that there is a difference between the mayor’s ‘personal opinion’ and the expertise of a ‘professional law enforcement officer’ and thus indirectly weakening his position and broadening the boundaries of his desired outcome of debate; and finally the focus on the personal aspect of the mayor’s reality, while diminishing the magnitude of his own expertise, thus allowing for multiple versions of the truth. These techniques are remarkably different from the harsh and/or deflective techniques used by other stakeholders. All of these methods can be ascribed to spontaneous discourse, but they are also typical of a strategic communication approach aimed at safeguarding the desired outcome of debate and the all-encompassing reality held by the mayor.

There is only one example in the *New York Times* of ‘harsh communication’ conveyed by the mayor:

##### ***Before the indictments (March 2007)***

An excerpt from Mayor Bloomberg speaking at another press conference (March 13):

I’m not concerned at all. I think this community understands that we have to follow the law. I’m sure there **will be some hotheads no matter what happens on either side**, whether there are indictments or not — no indictments — or whatever the number of indictments.

**There'll be people** that think there should have been more indictments, **there'll be people** that think there'll be less, **they'll yell and scream** and you will put it on the front page.<sup>78</sup>

The quote above is both directed at those prone to unacceptable dissent ('hotheads', 'they'll yell and scream') and those newspapers who will report about this ('you will put it on the front page'). In this instance, the targeted stakeholders are both about to perform an act that is not in line with the desired means of debate ('open communication and constant collaboration'). These 'harsher' remarks thus show how important communication and collaboration are to the mayor.

There is no 'other side of the coin' to the communication of the mayor as there is for discourse deployed by other stakeholders. Instead, the discourse deployed by the mayor is conciliatory and also consistent for that matter. The only 'other side of the coin' is the previously discussed deflection remark about CCRB funding, and the harsher remarks just discussed.

In turn, the conciliatory discourse deployed by the mayor reaches further than the fourth level of conciliatory discourse defined previously, i.e. spontaneous, upfront and descriptive communication that is coalition-oriented. It not only acknowledges the existence of the reality held by police critics, it also shows understanding for this reality, while acknowledging partial culpability and offering solutions that truly seek common ground, as it acknowledges the existence of the reality felt by all stakeholders involved, diminishes personal concerns and desires, and distinguishes between personal opinion and communally held opinions. In a broader sense, perceptions, interpretations and positioning (especially the desired means of debate) are geared towards conciliation.

#### **4.3.4 Conclusion**

This section has demonstrated how the positioning of the mayor is stakeholder-, knowledge- and solution-driven. This results in a coalition-oriented, flexible, and inclusive stakeholder-centered desired outcome of debate, i.e. the realization and safeguarding of acceptable police conduct and fair treatment of all New Yorkers, while overcoming related challenges such as the Sean Bell shooting. It also results in a flexible, transitory, personal yet all-encompassing stakeholder-centered reality which is broadly delimited and allows for multiple vantage points and versions of the truth to coexist. Third, it results in an overall inclusive 'we' positioning, that does not allow for a depersonalized, culpable 'them'. And finally, it results in a flexible filter through which developments are assessed, which in turn leads to a fluctuating, often eclectic pattern of discourse. Location and time are for that matter less important factors than specific developments, as well as the stakeholder group specifically affected by such developments.

Flexibility, inclusiveness and conciliation can also be found in the desired means of debate, i.e. open communication and constant collaboration; the use of the word 'acceptable'; the focus on other stakeholders; the assignment to himself and to 'all New Yorkers' of most of the responsibility for

achieving these goals; the conveying of communally felt victimization and communal standards; the neglect of personal desires and concerns; the inclusive and upfront use of language; the epistemic grounding; and the conciliatory communication strategies aimed at safeguarding the desired outcome of debate and bridging the gap between the reality held by different stakeholders.

In turn, the mayor's objectives and held reality are hardly challenged in the aftermath of the shooting. Instead, the mayor mostly affirms his positioning in the discourse quoted by the *New York Times*.

The only rigidity in the positioning of the mayor can be found in the safeguarding of the desired means of debate. Yet as this means of debate is coalition-oriented, this specific rigidity does not make the communication of the mayor less coalition-oriented.

The positioning of the mayor thus seeks common ground on multiple levels. It makes sense that this positioning has a different impact on the debate in comparison to the positioning of previously discussed stakeholders.

## 4.4 Other political stakeholders

In the aftermath of the shooting, New York State Governors Pataki and Paterson also commented on the developments in the Sean Bell case. However, they did not do so as often as the mayor. These are the only statements quoted by the *New York Times*:

54<sup>TH</sup> NEW YORK STATE GOVERNOR GEORGE E. PATAKI

*Just after the shooting (November 2006)*

A *New York Times* excerpt (last week of November):

On Monday the mayor called the shooting “**excessive**,” a characterization that Governor George E. Pataki agreed with.

“**Obviously, 50 bullets** fired into or at an unarmed individual in New York **is excessive force**,” Mr. Pataki said yesterday in a news conference broadcast by satellite from Kuwait, “**but the appropriate response to that is something that I think the investigation of the mayor and the police commissioner will reveal.**”<sup>79</sup>

55<sup>TH</sup> NEW YORK STATE GOVERNOR DAVID A. PATERSON

*After the acquittals (April–May 2008)*

After a proposal for a permanent statewide special prosecutor (April 27):

At a news conference outside Police Department headquarters in Lower Manhattan, civil rights advocates and lawmakers — including Norman Siegel, the former executive director of the New York Civil Liberties Union; State Senator Eric Adams of Brooklyn; and Marq Claxton of 100 Blacks in Law Enforcement Who Care — called for the appointment of a permanent statewide special prosecutor, to supersede district attorneys in cases of police shootings or alleged police brutality.

Too often, the advocates said, district attorneys have close relationships with the police, muddying prosecutorial independence. The advocates also said the timing of the proposal was influenced by the ascension of David A. Paterson to governor.

“For the first time we realistically have someone in the governor’s seat that understands the need for these reforms,” Mr. Siegel said.

The proposal, Mr. Siegel said, was loosely patterned on the former Office of the Special State Prosecutor for Corruption, created under Gov. Nelson A. Rockefeller in the early 1970s on the recommendation of the Knapp Commission, which uncovered corruption in the Police Department. That office was disbanded in 1990.

Risa Heller, a spokeswoman for Mr. Paterson, **said the governor would review the recommendation. “Like all New Yorkers, the governor takes the issue of police wrongdoing very seriously, but he also believes that the overwhelming majority of police officers perform their duties honorably and conscientiously,”** Ms. Heller said.<sup>80</sup>

A *New York Times* excerpt on the aftermath of the acquittals (May 7):

Also on Wednesday, Gov. David A. Paterson announced that he would meet privately with Mr. Sharpton and Mr. Bell’s relatives on Thursday in New York City. The governor has said

**that he was surprised by the number of shots fired and by the acquittals of the three detectives.<sup>81</sup>**

The number of statements is not sufficient to make a full comparison with the discourse conveyed by Mayor Bloomberg. However, some all-embracing themes do stand out, such as the open, upfront communication of value-based perceptions ('50 shots', 'excessive', 'surprised by the number of shots fired and by the acquittals of the three detectives'); the use of dogmatic assertions ('obviously') to delimit the held reality; the focus on appropriateness and process ('but the appropriate response to that is something that I think the investigation of the mayor and the police commissioner will reveal'); the refusal to commit to specific measures; the use of 'I' to distinguish between personal opinion and public opinion; the references to 'we' (or 'like all New Yorkers') to underline communal responsibility/feelings; and references to an all-encompassing reality ('but he also believes'). For that matter, the discourse of both governors to a certain extent overlaps that of the mayor and the police commissioner.

The fact that there are only a few quotes on the Sean Bell shooting, and even these are often from spokespeople instead of the governors themselves, indicates that the issue is less important to them than it is to Mayor Bloomberg, who is more of a primary stakeholder than the governors are.

## 4.5 Conclusions and outlook

This chapter has demonstrated first and foremost that the communications by Mayor Bloomberg differ starkly from that of other stakeholders. Whereas the communication practiced by police critics, police defenders, and the NYPD can be characterized as self-centered, with an either subtle or profound ‘us-versus-them’ schism influencing perceptions, interpretations, and a rigid non-coalition-oriented positioning, the mayor’s communication, conversely, is stakeholder-, knowledge- and solution-driven, with a profound, inclusive ‘we’ outlook influencing perceptions, interpretations and a flexible, coalition-oriented positioning.

The coalition-oriented, stakeholder-centered nature of communication — as well as the overall ‘we’ outlook — can be found on many levels in the discourse conveyed by Mr. Bloomberg, for instance in the lack of self-images, the conveyed perceptions aimed at appeasing the existing and often conflicting feelings of different stakeholder groups, the optimistic, future-oriented and transitory interpretations which are built selectively upon those of other stakeholders, the positive emphasis on the role of others in the debate, as well as the importance of two-way communication and collaboration. Also, the mayor does not laud his own efforts in the way the police commissioner does. In addition, the stakeholder-centered nature of communication can be found in the desired means of debate, i.e. open communication and constant collaboration, the desired outcome of debate and with it the use of the word ‘acceptable’, the assignment of most of the responsibility for achieving these goals to himself, and to ‘all New Yorkers’ (‘we’), the conveying of communally felt victimization (‘we’), the setting of communal standards (‘we’), the neglect of personal desires and concerns, the all-encompassing reality which is broadly delimited and allows for multiple vantage points and versions of the truth to coexist, the inclusive and upfront use of language, the specific indefinite, personal word choice, and finally all other conciliatory communication strategies aimed at safeguarding the desired outcome of debate and bridging the gap between the reality held by different stakeholders summed up in Subsection 4.3.3.

There is no profound chronological pattern detectable in the communication conveyed by the mayor. The only dynamic that can be observed is that just after the shooting, the mayor conveys perceptions that are more value-based and judgmental than those towards the end, which focus more on the tragedy of the shooting and the prolonged pain felt by those involved in it. Instead, discourse appears to be driven by location, audience, specific developments, and the stakeholder group most affected by these developments.

Although the mayor’s communication is upfront and not deflective, and moreover, does not have a pro/anti-police agenda-setting purpose, a large part can be characterized as a strategic premeditated communication approach rather than as spontaneous discourse, as the communication aims to accomplish and safeguard certain (communication) goals including the desired outcome of debate and desired means of debate, and specifically to control possibly inflammatory situations and

to appease the existing and often conflicting feelings of different stakeholder groups, while maintaining law and order.

Although not stated directly, the latter objective can be seen as a strong undercurrent in the communication of the mayor. In this respect, the mayor has a mediating function aimed at forging a coalition between the desired outcomes and goals of debate as well as the realities of different stakeholders. It can be argued that this specific function is an obvious role for the mayor, as he is elected by these stakeholders. The discourse of the mayor is hence geared towards consensus more than that of the police commissioner, who is not elected, and is chiefly responsible for the police force. However, this causal relationship is not binding, as the communication of preceding mayors in many ways is different, and often less conciliatory, than that of Mayor Bloomberg, as seen in Part I.

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<sup>1</sup> For an overview of mayoral powers, see: Bruce F. Berg, *New York City Politics: Governing Gotham* (New Brunswick, NJ: Rutgers University Press, 2007), 186.

<sup>2</sup> “Statement by Mayor Bloomberg on Shooting Incident in Jamaica, Queens,” The Mayor’s Office, accessed March 14, 2010, [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1).

<sup>3</sup> Jennifer 8. Lee, “Bloomberg and Kelly Statements on Acquittals,” City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.

<sup>4</sup> Diane Cardwell and Sewell Chan, “Bloomberg Calls 50 Shots by the Police ‘Unacceptable’,” *New York Times*, sec. A, November 28, 2006.

<sup>5</sup> Cara Buckley, “Wounded Man Tried to Escape a Violent Past a Friend Says,” *New York Times*, sec. B, November 29, 2006.

<sup>6</sup> Sewell Chan, “Bloomberg Meets With Family of Young Queens Man Killed by the Police,” *New York Times*, sec. B, November 29, 2006.

<sup>7</sup> Karen Matthews, “Sharpton Calls for NYC Police Summit,” *Washington Post*, January 15, 2007.

<sup>8</sup> David M. Herszenhorn, “On Air and in Church, Mayor Takes a Tone of Reassurance on Schools,” *New York Times*, sec. B, March 5, 2007.

<sup>9</sup> Sewell Chan, “Bloomberg on the Bell Grand Jury,” Empire Zone blog, *New York Times*, March 13, 2007, <http://empirezone.blogs.nytimes.com/2007/03/13/bloomberg-expects-no-trouble>.

<sup>10</sup> Jennifer 8. Lee, “Bloomberg and Kelly Statements on Acquittals,” City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.

<sup>11</sup> Diane Cardwell, “Mayor Lends Ear as Verdict Nears in Bell Shooting,” *New York Times*, sec. B, April 24, 2008.

<sup>12</sup> Michael Wilson, “Judge Acquits Detectives in 50-Shot Killing of Bell,” *New York Times*, sec. A, April 26, 2008.

<sup>13</sup> “Statement by Mayor Bloomberg on Shooting Incident in Jamaica, Queens,” The Mayor’s Office, accessed March 14, 2010, [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1).

<sup>14</sup> Diane Cardwell and Sewell Chan, “Bloomberg Calls 50 Shots by the Police ‘Unacceptable’,” *New York Times*, sec. A, November 28, 2006.

<sup>15</sup> Al Baker, “Police Statements Vary on Firing at a Vehicle,” *New York Times*, sec. B, November 30, 2006.

<sup>16</sup> Sewell Chan, “Bloomberg Meets With Family of Young Queens Man Killed by the Police,” *New York Times*, sec. B, November 29, 2006.

<sup>17</sup> Mike McIntire, “At King Events, Politicians Mount New Calls for Justice,” *New York Times*, sec. B, January 16, 2007.

<sup>18</sup> Ellen Barry and Colin Moynihan, “Three Detectives Plead Not Guilty,” *New York Times*, sec. B, March 20, 2007.



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- <sup>19</sup> For a detailed overview of the mayor's public speeches, in which such statements occur, see: "News from the Blue Room," The Mayor's Office, accessed May 7, 2014, [http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?doc\\_name=/html/om/html/recent\\_events.html](http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?doc_name=/html/om/html/recent_events.html).
- <sup>20</sup> See discussion in Part II, Chapters 1 and 3.
- <sup>21</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.
- <sup>22</sup> Jennifer 8. Lee, "Bloomberg and Kelly Statements on Acquittals," City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.
- <sup>23</sup> See Part II, Chapter 2.
- <sup>24</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.
- <sup>25</sup> Patrick Healy, "After Fatal Shooting by Police, Kelly Looks Ahead, and Back," *New York Times*, sec. A, November 30, 2006.
- <sup>26</sup> Sewell Chan, "Bloomberg on the Bell Grand Jury," Empire Zone blog, *New York Times*, March 13, 2007, <http://empirezone.blogs.nytimes.com/2007/03/13/bloomberg-expects-no-trouble>.
- <sup>27</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.
- <sup>28</sup> Jennifer 8. Lee, "Bloomberg and Kelly Statements on Acquittals," City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.
- <sup>29</sup> Patrick Healy, "After Fatal Shooting by Police, Kelly Looks Ahead, and Back," *New York Times*, sec. A, November 30, 2006.
- <sup>30</sup> Jennifer 8. Lee, "Bloomberg and Kelly Statements on Acquittals," City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.
- <sup>31</sup> Al Baker and Colin Moynihan, "Two Officers Speak to Grand Jury on Killing of Unarmed Black Man," *New York Times*, sec. B, March 6, 2007.
- <sup>32</sup> Al Baker and Colin Moynihan, "Undercover Detective Who Fired First Shot Testifies in Police Killing in Queens," *New York Times*, sec. B, March 8, 2007.
- <sup>33</sup> Al Baker and Colin Moynihan, "Grand Jury Stops to Hear From a New Witness," *New York Times*, sec. B, March 16, 2007.
- <sup>34</sup> Damien Cave and Cassi Feldman, "Butts Wants Police to Rein in 'Savages' in the Department," *New York Times*, sec. B, December 16, 2006.
- <sup>35</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.
- <sup>36</sup> Ellen Barry, "Man Denies He Told Police that Sean Bell Shot Him," *New York Times*, sec. B, March 28, 2007.
- <sup>37</sup> Jennifer 8. Lee, "Bloomberg and Kelly Statements on Acquittals," City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.
- <sup>38</sup> Al Baker and Colin Moynihan, "Undercover Detective Who Fired First Shot Testifies in Police Killing in Queens," *New York Times*, sec. B, March 8, 2007.
- <sup>39</sup> Damien Cave and Cassi Feldman, "Butts Wants Police to Rein in 'Savages' in the Department," *New York Times*, sec. B, December 16, 2006.
- <sup>40</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.
- <sup>41</sup> Michael Wilson, "Judge Acquits Detectives in 50-Shot Killing of Bell," *New York Times*, sec. A, April 26, 2008.
- <sup>42</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable,'" *New York Times*, sec. A, November 28, 2006.
- <sup>43</sup> *Concise Oxford English Dictionary* [CD-ROM], 11th ed. (Oxford: Oxford University Press, 2004).
- <sup>44</sup> David M. Herszenhorn, "On Air and in Church, Mayor Takes a Tone of Reassurance on Schools," *New York Times*, sec. B, March 5, 2007.
- <sup>45</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.
- <sup>46</sup> Al Baker, "Police Statements Vary on Firing at a Vehicle," *New York Times*, sec. B, November 30, 2006.

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- <sup>49</sup> Al Baker and William K. Rashbaum, "Prosecutors Interview Two Shot by Police in Queens," *New York Times*, sec. B, December 5, 2006.
- <sup>50</sup> Mike McIntire, "At King Events, Politicians Mount New Calls for Justice," *New York Times*, sec. B, January 16, 2007.
- <sup>51</sup> Diane Cardwell, "Bloomberg Seeks Further Changes for City Schools," *New York Times*, sec. A, January 18, 2007.
- <sup>52</sup> Al Baker, "Police Shooting Led Mayor to Bolster Review Board," *New York Times*, sec. B, January 19, 2007.
- <sup>53</sup> William K. Rashbaum and Cara Buckley, "Lawyers Call 2 Detectives in Fatal Shooting Most Vulnerable to an Indictment," *New York Times*, sec. B, March 14, 2007.
- <sup>54</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.
- <sup>55</sup> Ellen Barry, "Man Denies He Told Police that Sean Bell Shot Him," *New York Times*, sec. B, March 28, 2007.
- <sup>56</sup> Jennifer 8. Lee, "Bloomberg and Kelly Statements on Acquittals," City Room blog, *New York Times*, April 25, 2008, <http://cityroom.blogs.nytimes.com/2008/04/25/mayor-bloomberg-on-acquittals-there-are-no-winners-in-a-trial-like-this>.
- <sup>57</sup> Ibid.
- <sup>58</sup> "Statement by Mayor Bloomberg on Shooting Incident in Jamaica, Queens," The Mayor's Office, accessed March 14, 2010, [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1).
- <sup>59</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.
- <sup>60</sup> Cara Buckley, "Wounded Man Tried to Escape a Violent Past a Friend Says," *New York Times*, sec. B, November 29, 2006.
- <sup>61</sup> Al Baker, "Police Statements Vary on Firing at a Vehicle," *New York Times*, sec. B, November 30, 2006.
- <sup>62</sup> Sewell Chan, "Bloomberg Meets With Family of Young Queens Man Killed by the Police," *New York Times*, sec. B, November 29, 2006.
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- <sup>66</sup> Ibid.
- <sup>67</sup> Ibid.
- <sup>68</sup> William K. Rashbaum and Cara Buckley, "Lawyers Call 2 Detectives in Fatal Shooting Most Vulnerable to an Indictment," *New York Times*, sec. B, March 14, 2007.
- <sup>69</sup> "Statement by Mayor Bloomberg on Shooting Incident in Jamaica, Queens," The Mayor's Office, accessed March 14, 2010, [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http://www.nyc.gov/html/om/html/2006b/pr411-06.html&cc=unused1978&rc=1194&ndi=1).
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- <sup>73</sup> Karen Matthews, "Sharpton Calls for NYC Police Summit," *Washington Post*, January 15, 2007.
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- <sup>76</sup> Ellen Barry, "Man Denies He Told Police that Sean Bell Shot Him," *New York Times*, sec. B, March 28, 2007.

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<sup>77</sup> Diane Cardwell, "Mayor Lends Ear as Verdict Nears in Bell Shooting," *New York Times*, sec. B, April 24, 2008.

<sup>78</sup> Sewell Chan, "Bloomberg on the Bell Grand Jury," Empire Zone blog, *New York Times*, March 13, 2007, <http://empirezone.blogs.nytimes.com/2007/03/13/bloomberg-expects-no-trouble>.

<sup>79</sup> Sewell Chan and Daryl Khan, "Sharpton and Jesse Jackson Lead Angry Group to Site of Deadly Police Shooting," *New York Times*, sec. B, November 30, 2006.

<sup>80</sup> Cara Buckley and Thomas J. Lueck, "Verdict in Sean Bell Case Draws a Peaceful Protest, but some Demand More," *New York Times*, sec. B, April 28, 2008.

<sup>81</sup> Thomas J. Lueck, "216 Held as Protests of Police Acquittals Block Traffic," *New York Times*, sec. B, May 8, 2008.

## Analysis for Chapter 5: Judicial stakeholders

This chapter examines the communication deployed by the judicial stakeholders in the debate following the Sean Bell shooting.

This stakeholder group consists of two different entities: On the one hand it comprises the Queens District Attorney Richard A. Brown and his team, who led the investigation and prosecution of the case, and on the other hand Judge Arthur Cooperman, who presided over the trial and eventually acquitted the implicated officers. While this stakeholder group is relatively compact, and therefore more homogeneous than the scattered groups of both police critics and police defenders, there is also a profound schism between the two different entities, as not only their role is different, but also their communication and the frequency and timing of that communication. The communication conveyed by the two different entities will hence be discussed separately. Most of the analysis will focus on the discourse by the Queens District Attorney's office, as the amount and frequency of their communication greatly exceeds that of Judge Cooperman. Section 5.4, in turn, analyzes the full statement by which Judge Cooperman rendered the verdict on April 25, 2008.

There is a profound difference between the communication conveyed before the trial by Mr. Brown and the communication conveyed during the trial by Assistant District Attorney Charles Testagrossa. While the former is a balanced mix of strategic judicial and PR discourse, the latter is — for obvious reasons — much more judicial in nature. This bipartite nature makes it hard to determine sustained and profound perceptions, interpretations, and positions. All communication can also be interpreted from a spontaneous perspective, yet the judicial character of the discourse does prevail during the trial. The analysis in the sections ahead will mainly be structured along the lines of this schism, resulting in a bipartite analysis.

Apart from the bipartite nature of the communication, there are other pitfalls that make research into the communication by the Queens DA's office hard. Not only is the amount of communication from this office relatively limited, partly due to the homogeneous nature of the entity, the discourse in itself is also diverse and at times evasive, which again makes it relatively hard to pinpoint and analyze the office's perceptions, interpretations, and positioning. However, the Queens DA's office is also outspoken at times and for that matter the discourse differs from that of the NYPD.

Judge Cooperman's discourse, in turn, is also unique in nature, as the authority only really speaks out at the end of the trial, while rendering the verdict. Debate and reality challenges are therefore hard to pinpoint, while it is not possible to identify historical dynamical patterns either.

As the district attorney's positioning at first glance seems to be in line with that of police critics — both appear to have a similar desired outcome of debate, i.e. conviction of the implicated officers — it is interesting to focus on how the communication conveyed by the DA's office relates to that of police critics. Moreover, the district attorney's role also resembles that of the NYPD, as both

are occupied with law enforcement, and, as critics frequently point out, have a co-dependent relationship. This chapter will give special attention to how the district attorney's communication relates to that of police critics and the Police Department, as well as to other stakeholders.

## 5.1 Perceptions and images

This section looks at the perceptions communicated by the Queens DA's office after the shooting. These perceptions vary to great extent depending on the specific time in the aftermath of the shooting, the arena in which the statements are made, and on the stakeholders themselves. There is for that matter a substantial difference between perceptions conveyed before the trial and those during and immediately after the trial. Moreover, there is a difference between the frequency by which perceptions of the shooting on the one hand and the self-perceptions on the other hand occur in the *New York Times*.

While the diversity of perceptions resembles that of the mayor, the scarcity of perceptions rather resembles that of the NYPD. The DA's office for that matter does not speak in 'labels' in the way the police critics and police defenders do.

In order to analyze these dynamic patterns of scattered perceptions, this section will hence consist of a chronological structure. In addition, this section is divided into subsections, one on perceptions of the shooting and one on self-perceptions.

### 5.1.1 From 'that which purportedly occurred' and 'the kind of incident that cries out for an investigation' to a 'tale of carelessness': Changing perceptions of the shooting

What is salient in the communication conveyed by the DA's office is that Assistant District Attorney Charles Testagrossa is much more outspoken during the trial than Mr. Brown is prior to the trial in his communication concerning their perceptions held on the shooting.

Before the trial, the communication deployed by the district attorney can be characterized mainly by a scarcity of perceptions and images, similar to that of the NYPD. Both the word choice and the reasoning for this scarcity of perceptions and images also show similarities with those chosen and conveyed by the Police Department. Yet there are also subtle differences with the communication conveyed by the NYPD, as the following excerpts reveal:

#### *Just after the shooting (November–December 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA's office:

While some have called for rapid action in the case, the Queens District Attorney, Richard A. Brown, who is leading the investigation, acknowledged that some community leaders he met with on Monday might have been disappointed when he told them that the inquiry was in its most preliminary stages.

"They didn't hear what **it** is perhaps they wanted to hear, that **it** would be immediately presented to a grand jury and that we would immediately seek an indictment," he said. "There is just a great deal of work **that needs to be done before we can make any judgments with respect to where we're going.**"

Mr. Brown said **he could not discuss specifics of the case**, despite the public interest. “My primary responsibility is to ensure that **nothing compromises or prejudices my investigation**,” he said. “And a discussion of **that which purportedly occurred**, based, in many instances, on preliminary information and in unsubstantiated facts, would be inconsistent with that responsibility.”<sup>1</sup>

An excerpt from a *New York Times* biographical article on Mr. Brown:

It is up to Mr. Brown to do the unopinionated explaining: “I don’t see this as being a hate crime or a racially motivated crime in any sense,” he says. “It’s a no-brainer that **it’s the kind of incident that cries out for an investigation** by a grand jury, not that I’m afraid of making factual decisions on my own.”

[...] Might it turn out to be a career-breaker rather than a career-maker? “Quite frankly, I think my career has already been defined,” he says. Then he appropriates the question.

“What you’re suggesting is ‘You’re damned if you do and you’re damned if you don’t,’ but I’m not here because it’s a cushy job,” he says, realigning his red tie on his shirtfront. “I’m here because I want to do the right thing. This is what I told my own staff,” he adds, shuffling his notes and reading, verbatim, from the comments he made at his Monday meeting. “**It’s the kind of story that defines our tenure**,” he said of the Bell shooting, reminding his staff that the office has the respect of the police as well as the confidence of Queens County residents and he isn’t keen on forfeiting either. “I want to be certain that we come out of this investigation with that reputation intact.”<sup>2</sup>

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

But the DA’s office has been moving in super-slow motion on the case, and no one from that office has interviewed the cops, either. Mr. Brown told me yesterday that he has a tremendous amount of additional information to gather before his office attempts to speak to the cops. “I’ve got no business talking to **these cops**,” he said, “until I know, or am reasonably satisfied, as to **what the facts** are.”

He said he hopes to speak to the officers next week, but he does not know when the matter might be presented to a grand jury. “You never go before a grand jury with a case,” said Mr. Brown, “**unless you’ve got all the T’s crossed and the I’s dotted**.”<sup>3</sup>

What is first striking in the statements above is how Mr. Brown, similar to the NYPD, conveys his perception of the shooting mainly in an indistinctive way. He does this by using both non-individuating vocabulary (‘it’, ‘the case’, ‘the incident’) and evasive, formal judicial vocabulary (‘that which purportedly occurred’) in his description of the totality of the shooting. By doing so, the district attorney mainly portrays an indistinctive picture of the shooting, in which he does not elaborate on what happened.

Also of similarity to the communication by the NYPD are the reasons presented for this lack of communication, i.e. to safeguard the investigation (‘to ensure that nothing compromises or prejudices my investigation’, ‘that needs to be done before we can make any judgments with respect to where we’re going’) and to ensure thoroughness and factuality (‘unless you’ve got all the T’s crossed and the I’s dotted’), which, in turn, pertain to the desired outcome of debate, as will be further discussed in Subsection 5.3.1. As with the NYPD and the mayor, Mr. Brown focuses on ‘the facts’.

The perceptions conveyed in the statements above are consequently not emotionally charged: The district attorney suggests that such facts are not known yet, and thus he does not provide any further details on them. Hence his conveyed perception of the shooting — at this point in time — remains ‘indistinctive’, similar to the NYPD’s label ‘This event’.

On a deeper level, however, the quotes above do show some of the more detailed perceptions, which are indirectly conveyed by the district attorney. His reference to ‘these cops’ for example typifies the officers in a certain way. The reference is not to be confused with the police defenders’ reference to ‘these fellows’. Instead, his usage is somewhat distant, yet informal, and could even be interpreted as somewhat derogatory. In addition, he does occasionally focus on magnitudinal aspects of the shooting, which is in line with the label ‘50 shots’, for example by using emphatic vocabulary (‘that cries out for an investigation’), and by pointing out the significance of the case (‘It’s the kind of story that defines our tenure’). He also conveys indirect perceptions of his own performance, e.g. of meticulousness, as will be further discussed in the next subsection.

These dual-layered perceptions are best captured in the phrase the ‘kind of incident that cries out for an investigation’, as it comprises both these indistinctive and magnitudinal aspects.

After the indictments, the character of the discourse changes to a certain extent:

#### *Just after the indictments (March 2007)*

A *New York Times* excerpt on a news conference after the indictments:

Richard A. Brown, the Queens District Attorney, said at a news conference early in the day that the grand jury proceedings were “as **thorough** and **complete** as I’ve ever participated in.”

His office’s investigation, he said, drew **in 100 witnesses and 500 separate exhibits**. He said the grand jury “**acted in the most responsible and conscientious fashion**,” and noted that he could **not recall a grand jury that deliberated for three days on a case**, as this one did.

“This was **a case** that was, I’m sure, **not easy for them** [grand jurors] **to resolve**,” he said.<sup>4</sup>

At first glance, the discourse seems similar to that discussed above. Again, the district attorney does not directly convey images of the shooting (‘case’). For that matter, the discourse at first glance remains as indistinctive as it was immediately after the shooting.

Yet although he does not directly convey any perceptions of the shooting itself, he does so indirectly, and much more frequently than before. These images are all magnitudinal conceptions of the shooting. More specifically, by focusing on the large quantity of witnesses and exhibits and the professionalism displayed by the grand jury members, the fact that the grand jury deliberated for three days on the case (which is presented as unique), and by saying that it was a case that was ‘not easy for them [grand jurors] to resolve’, the district attorney not only underlines the complexity of the case but also its magnitudinal relevance, which not only pertains to how he perceives the shooting, but also to



how he interprets the events within a broader framing. This is in stark difference to the NYPD's discourse, which on all occasions refrains from such magnitudinal depictions.

During the trial, the communication by the Queens DA's office changes dramatically. More specifically, Mr. Testagrossa communicates completely different and much more detailed perceptions of the shooting. The following *New York Times* excerpts, elaborating on the courtroom discourse conveyed by Mr. Testagrossa, give more insight into this:

***During the trial (February–March 2008)***

A *New York Times* excerpt from Mr. Testagrossa's opening speech:

"The story of how **this tragedy** occurred is **a tale of carelessness**," said Charles A. Testagrossa, an assistant district attorney, adding that the shooting "**can only be characterized as criminal**."<sup>5</sup>

A *New York Times* excerpt on Mr. Testagrossa describing the shooting:

"Neither **Joe Guzman** nor **Trent Benefield** heard any announcement of police authority," he said. He said Mr. Guzman thought Detective Isnora was an assailant: "**The man** pointed the gun at him and shot him in the shoulder. At that point **Guzman** said to **Sean**, 'Let's do it,' meaning, 'Let's get out of here,' and **Sean** threw the car in reverse."

Mr. Testagrossa said that Mr. Benefield heard shots and "felt himself get hit in both calves," adding, "**Then, in a decision which most likely saved two lives**, his own and **Joseph Guzman's**, **Trent** jumped out and ran down the street on to the western sidewalk, south of the cars, when he was shot again in the upper right leg."<sup>6</sup>

Mr. Testagrossa describing the conduct of the team:

"**The preparation for the operation fell far short**."<sup>7</sup>

A *New York Times* excerpt on Sean Bell's car hitting Detective Isnora:

Assistant District Attorney Charles A. Testagrossa, during his questioning, likened the injury to "**falling and sliding on a gym floor**."<sup>8</sup>

A *New York Times* excerpt from Mr. Testagrossa's closing arguments:

The summation of Assistant District Attorney Charles A. Testagrossa, at just under three hours in length, was brisk and at times **nearly irate** as he accused the three detectives on trial of lying to cover up an unjustified shooting of unarmed men as trapped and exposed as "**a big barrel of fish**."

[...] He said the detectives were motivated by rage because Detective Isnora's leg had been lightly struck, and their police van had been hit twice, by Mr. Bell's Nissan Altima. He singled out Detective Michael Oliver, who fired 31 shots. "**Two full magazines** poured into **a motionless vehicle** of **unarmed passengers** speaks of **rage**," he said.

[...] Mr. Testagrossa, who addressed the judge last, said that any justification the officers might have had disappeared after the first few shots. "**Defense would have you believe that the number of gunshots fired is irrelevant**," he said. "**But they certainly have a responsibility** to cease using deadly physical force as soon as they can safely do so."

Detective Isnora has said he feared that Mr. Coicou, parked in front of the club, was about to be the target of a drive-by shooting. Mr. Testagrossa said that was a lie concocted later to create a motive for following Mr. Bell to his car.

He accused Officer Michael Carey, the star defense witness, who fired three shots and was not indicted, of claiming to have heard Detective Isnora identify himself as a police officer — an identification no one else said they heard — from “a suspiciously distant point.”

He said that Mr. Bell, threatened by an armed man who he did not know was a detective, had every right not only to flee, but to hit the man with his car. **He described the bumper’s striking Detective Isnora’s leg as accidental, and compared the injury to one suffered by a child who falls.**<sup>9</sup>

What is most notable in the quotes above is that Mr. Testagrossa is much more upfront and open in his depiction of the shooting than Mr. Brown in previous statements. He does not shun images of magnitude, such as a focus on the amount of shots fired (‘Two full magazines’), as well as the magnitude of misconduct (‘tale of carelessness’, ‘the preparation for the operation fell far short’, ‘rage’), and the consequential suffering (‘tragedy’) and innocence/helplessness (‘unarmed passengers’, ‘a motionless vehicle’, ‘big barrel of fish’). Although Mr. Testagrossa, like the police defenders, speaks of a ‘tragedy’, he does not use it as a label. Moreover, he links tragedy to ‘a tale of carelessness’, which is not in line with the police defenders’ universal/unattributed usage of the term.

He also does not refrain from communicating his perceptions about the victims. Not only does he communicate a vivid picture of the victims’ motivation for their actions on the evening of the shooting (‘Then, in a decision which most likely saved two lives [...]’), but also — on a rhetorical level — he actively conveys their names (‘Neither Joe Guzman nor Trent Benefield’, ‘Sean’, ‘Trent’). What is striking in this is how Mr. Testagrossa calls Joe Guzman by his surname, but Sean Bell by his first name, twice in the same sentence. By doing so, the prosecutor in fact personalizes Sean Bell to a larger extent than the other victims. The prosecutor similarly refers to the first name of Trent Benefield in the next sentence, but the contrast in personalization is not as dramatic, as Joe Guzman is referred to by his full name, not just his surname. This is in line with the highly personalized communication by police critics, captured in the label ‘Sean Bell’.

Furthermore, the prosecutor conveys clear, value-based perceptions pertaining to the culpability of the officers (‘tale of carelessness’, ‘can only be characterized as criminal’, ‘rage’, ‘fell far short’).

The prosecutor also conveys other images of the implicated officers, which are different in nature from those of the victims. In the main, the perceptions on the implicated officers are less detailed, but not to the extent of the strongly depersonalized images conveyed by police critics. Although Mr. Testagrossa does not refer to the officers by using their names in the statements above — as he does with the victims of the shooting — it can be assumed that this is due to the paraphrasing of the *New York Times*, as Mr. Testagrossa does not shy away from venturing into the reality held by the implicated officers. Yet it is striking that Mr. Testagrossa describes Detective Isnora as ‘the man’,

instead of saying his name in the second excerpt, which is quite the reverse to the more personalized descriptions of the victims. The reality conveyed by the prosecutor, in turn, diminishes the danger experienced by the police officers ('falling and sliding on a gym floor', 'He described the bumper's striking Detective Isnora's leg as accidental, and compared the injury to one suffered by a child who falls'), thus refuting the perceptions regarding danger inherent in the label 'A matter of seconds'. While the prosecutor does communicate the perceptions held by police defenders concerning the short time frame in which the shooting took place (captured in the label 'A matter of seconds'), he does not agree with these perceptions ('Defense would have you believe that the number of gunshots fired is irrelevant. [...] But they certainly have a responsibility [...]').

This shift in communication can be explained by the arguments provided by the DA's office earlier, i.e. that certain communication prior to the trial can jeopardize the proceedings of that trial. The statements above can for that matter be characterized as strategic judicial discourse, as opposed to the strategic PR discourse discussed above.

Although the discourse above shows similarities with that of the perceptions conveyed by police critics, differences do remain. First, Mr. Testagrossa does not use 'labels' in the same way as the police critics do. While the prosecutor does convey images of magnitude as well as personalized images of the victims, akin to the police critics, he does not lay the specific focus on '50 shots' or on 'I am Sean Bell'. In addition, only a few of the perceptions above are emotionally charged, or in other ways vehement in nature ('tragedy', 'rage'), as well as the *New York Times*' portrayal of Mr. Testagrossa as 'nearly irate'. Conversely, most perceptions are balanced and factual, yet still value-based.

The Queens DA's office does not speak in 'us' and 'them' perceptions concerning the shooting like the police critics and police defenders do, and which the NYPD more subtly does. The office conveys for that matter 'stakeholder-observant' perceptions on both the victims and the implicated officers, without identifying or showing sympathy with either of them.

## **Summary**

The analysis in this subsection has first demonstrated how the initial non-committal and nondescript perceptions conveyed by the district attorney — characterized by the use of evasive, formal judicial vocabulary and captured in the quote 'that which purportedly occurred' — might at first glance resemble that of the NYPD, yet in fact the perceptions conveyed by these two stakeholder groups on a deeper level differ starkly. More specifically, while the evasiveness in itself has provided more insight into how the NYPD perceives the shooting in an indistinctive way, the nondescript communication by the district attorney, conversely, conceals magnitudinal images of the shooting. The perceptions communicated by the Queens DA's office are for that matter dual-layered in nature, like that of the police defenders. This dual-layered nature of the discourse is captured in the phrase 'the kind of

incident that cries out for an investigation', as it comprises both descriptive and non-descriptive elements.

The images conveyed by the Queens DA's office are not really captured in labels (although the phrases used in the heading of this subsection do capture part of these scattered images), but appear randomly throughout the communication from that office, and become more pervasive throughout the aftermath of the shooting. Prior to the trial, the district attorney focuses on this magnitudinal relevance mainly in subtle ways, for instance, by focusing on the large quantity of witnesses and exhibits, the professionalism displayed by the grand jury members, the complexities of the case for the grand jury, and the significance of the case to the office, but also by using emphatic expressions. In contrast, he does not really focus on the implicated officers, while using somewhat distant, informal language to describe them.

The bipartite nature of the office's communication becomes clear in the discussion of the communication conveyed during the trial. More specifically, Mr. Testagrossa, in contrast to Mr. Brown, conveys much more profound, emphatic, emotionally-charged and value-based perceptions of the shooting, including much clearer magnitudinal images concerning the amount of shots fired, the culpability and misconduct of the implicated officers and the consequential suffering of the innocent and helpless victims, as well as more personalized images of Sean Bell and the other victims. Conversely, the prosecutor conveys depersonalized images of the detectives, while refuting the specific perceptions held by police defenders that are captured in the label 'A matter of seconds', including the danger the cops were facing on the street.

The perceptions held and conveyed by the Queens DA's office on the shooting thus show resemblances to, but also deviate from, those of both the NYPD and the police critics.

On a rhetorical level, evasive, formal judicial vocabulary is combined with more passionate and emphatic rhetoric, which, however, never matches the evasiveness of the NYPD or the passionate oratory of the police critics, but instead is much more balanced. Other strategic means used are the subtle reverences made to the magnitudinal relevance of the case by focusing on related aspects.

### **5.1.2 'Thoroughness, carefulness, fairness and completeness': Self-labels for the Queens DA's office**

Throughout the aftermath of the shooting, the Queens DA's office also conveys perceptions of its own performance. The office does so outside and not within the courtroom.

In describing the office's own performance, Mr. Brown does speak more in labels than in his description of the shooting. The following quotes demonstrate this:

#### ***Just after the shooting (November 2006)***

A *New York Times* excerpt on Mr. Brown responding to reporters' questions:

The Queens District Attorney, Richard A. Brown, declined last night to comment on the substance of the case, but promised a “**full, fair and complete investigation**.”<sup>10</sup>

*Just before the indictments (March 2007)*

A *New York Times* excerpt:

Mr. Brown has said since the shooting that he sought **to conduct a careful, thorough impartial investigation**, despite critics who urged his office to move more swiftly.<sup>11</sup>

*Just after the indictments (March 2007)*

A *New York Times* excerpt:

Richard A. Brown, the Queens District Attorney, said at a news conference early in the day that the **grand jury proceedings** were “as **thorough and complete** as I’ve ever participated in.”<sup>12</sup>

*Just after the acquittals (April 2008)*

*New York Times* excerpts on Mr. Brown speaking about the verdict:

Mr. Brown, the district attorney, said he accepted the verdict, calling Justice Cooperman “**one of this county’s most respected and learned jurists**.”<sup>13</sup>

What is at first glance striking is how the self-perceptions held by the Queens DA’s office focus on the investigation, which the office is executing. The perceptions of the investigation, in turn, give insight into how the DA’s office perceives itself and the judicial stakeholder group at large. In the statements above, the words ‘careful’, ‘fair’, ‘thorough’ and ‘complete’, (and the synonyms ‘full’ and ‘impartial’) make up the perceptions of the investigation, both now and in the future. These images are used to characterize not only the conduct of the DA’s office, but also to the processes it is involved in (‘grand jury proceedings’), and Judge Cooperman (‘one of this county’s most respected and learned jurists’). To a certain extent this resembles the Police Department’s perception of being on top of the process, by providing adequate (i.e. ‘appropriate’) conduct. Yet the difference is that the above perceptions are also conveyed in the future tense, which has important consequences for both the interpretation of the stakeholder’s own role, as well as on the position held in the debate, as will be discussed in the sections ahead. On other occasions, the district attorney describes the images more indirectly:

*Just after the shooting (November–December 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA’s office:

“There is just **a great deal of work** that needs to be done before we can make any judgments with respect to where we’re going.”<sup>14</sup>

An excerpt from a *New York Times* biographical article on Mr. Brown:

Might it turn out to be a career-breaker rather than a career-maker? “Quite frankly, I think my career has already been defined,” he says. Then he appropriates the question.

“What you’re suggesting is ‘You’re damned if you do and you’re damned if you don’t,’ **but I’m not here because it’s a cushy job**,” he says, realigning his red tie on his shirtfront. “**I’m here because I want to do the right thing**. This is what I told my own staff,” he adds, shuffling his notes and reading, verbatim, from the comments he made at his Monday meeting. “**It’s the kind of story that defines our tenure**,” he said of the Bell shooting, reminding his staff that the office has the respect of the police as well as the confidence of Queens County residents and he isn’t keen on forfeiting either. “I want to be certain that we come out of this investigation with that reputation intact.”<sup>15</sup>

A *New York Times* excerpt on law enforcement officials speaking about the investigative process:

Prosecutors are still awaiting the results of ballistics reports from the police, the official said, but they have begun contacting the lawyers for the five police officers who fired their guns that morning and will most likely speak with the police officers themselves sometime in the next few weeks, possibly as early as next week.

Another law enforcement official said that the numerous interviews that have been conducted by officers in the Police Department’s Internal Affairs Bureau have been tape recorded, so prosecutors have several hours of taped dialogue to review.

“**Our people want to listen to the prior interviews**,” that official said. “**Listen to them and go over them**.”<sup>16</sup>

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

Mr. Brown told me yesterday that he has a tremendous amount of additional information to gather before his office attempts to speak to the cops. “I’ve got no business talking to these cops,” he said, “**until I know, or am reasonably satisfied, as to what the facts are**.”

He said he hopes to speak to the officers next week, but he does not know when the matter might be presented to a grand jury. “You never go before a grand jury with a case,” said Mr. Brown, “**unless you’ve got all the T’s crossed and the I’s dotted**.”<sup>17</sup>

### *Just after the indictments (March 2007)*

A *New York Times* excerpt on a news conference after the indictments:

His office’s investigation, he said, drew **in 100 witnesses and 500 separate exhibits**. He said the grand jury “acted in the most responsible and conscientious fashion,” and noted that he could **not recall a grand jury that deliberated for three days on a case**, as this one did.

“This was a case that was, I’m sure, **not easy for them** [grand jurors] **to resolve**,” he said.<sup>18</sup>

What is notable is how the district attorney in the statements above indirectly conveys self-images of ‘thoroughness’, ‘carefulness’, ‘fairness’ and ‘completeness’. He does so in different ways. The notions of thoroughness, carefulness and completeness are indirectly conveyed by statements focusing on the large amount of work (‘great deal of work’), the detail of the work (unless you’ve got all the T’s crossed and the I’s dotted’), the eagerness for detail (‘Our people want to listen to the prior interviews [...] Listen to them and go over them’), and the focus on meticulousness (‘until I know, or am reasonably satisfied, as to what the facts are’), also evidenced by the large amount of witnesses

and exhibits, and the large amount of time spent on the case by the grand jury. The notion of fairness, in turn, is conveyed by the references to the fair and noble objectives held by the district attorney ('I'm not here because it's a cushy job', 'I'm here because I want to do the right thing').

In addition, the district attorney conveys images of magnitude concerning the difficulties his team is facing by focusing on the volume of his task ('great deal of work', 'His office's investigation, he said, drew in 100 witnesses and 500 separate exhibits') and indirectly concerning the problematic nature of this task ('I'm not here because it's a cushy job'). More indirectly, his remark 'not easy for them [grand jurors] to resolve,' conveys a similar image: what is not easy for grand jurors, is not easy for his team either.

### **Summary**

In sum, the Queens DA's office self-image is akin to that of the NYPD: a professional and stable entity that is on top of the process. The images of 'thoroughness', 'carefulness', 'fairness' and 'completeness' are both directly and more subtly conveyed. These images can be seen as labels, as they reoccur at different moments throughout the aftermath of the shooting. In addition, Mr. Brown conveys images of magnitude concerning the difficulties his team is facing.

These images only occur before and just after the trial. During the trial, Mr. Testagrossa does not convey any self-perceptions. This, in turn, exemplifies the bipartite nature of the office's discourse.

It is interesting to observe that the self-perceptions conveyed by the DA's office do not resemble those of the police critics. More specifically, the office distances itself from Sean Bell, while the police critics heavily identify with the victim of the shooting. The self-perceptions for that matter do not pertain to the shooting itself, but to the aftermath of the shooting.

On a rhetorical level, magnitudinal references, use of superlatives, allusions to the future, and indirect references to judiciary processes and the role of judicial stakeholders underline the self-perceptions held by the DA's office.

The images discussed in this subsection not only give insight into the perceptions held and conveyed by the DA's office in regard to its own conduct, but also provide clues for the office's interpretation of its own role, and on its response to debate and reality challenges, as will be discussed in the sections ahead.

### **5.1.3 Conclusion**

This section has demonstrated how the perceptions held and conveyed by the Queens DA's office show some overlap with those of both the NYPD and the police critics. While the perceptions of the shooting show resemblances to those of both groups, the perceptions of the aftermath of the shooting mainly coincide with those held by the NYPD as an institution.

From both strategic communication and strategic judicial perspectives, the overlap concerning the perceptions of the shooting makes sense, as the Queens DA's office has a close relationship with both groups, and aims to keep this relationship strong, as will be further discussed in Subsection 5.3.1. Moreover, like the NYPD, the DA's office has an objective not to provide information too early, yet (at first glance) has an objective to win the prosecution, similar to the police critics.<sup>19</sup>

These objectives explain to a certain extent the bipartite dynamics of the held and conveyed perceptions, in which the initial non-committal and nondescript perceptions and deeper-lying images of magnitude and personalization of the shooting and the victims, and the depersonalization of the officers, are followed by more profound images of magnitude on the shooting, culpability, misconduct, suffering and innocence, as well as on the depersonalization of the officers during the trial.

The images, of course, can also be explained from a spontaneous communication perspective: To a certain degree the DA's office perceives the shooting in the same way as the police critics, yet it does not identify itself with the victim in the same way ('I am Sean Bell'), and with the same emotion ('We love Sean Bell'), nor does it perceive the shooting as having the same magnitude ('50 shots').

The overlap with the NYPD concerning self-perceptions of the aftermath of the shooting, in turn, can also be explained from a strategic or spontaneous point of view, as both organizations have a similar objective to enforce the law, but also receive a substantial amount of criticism after the shooting. The conveyed self-images of 'thoroughness', 'carefulness', 'fairness' and 'completeness' on the one hand, and hardship on the other, hence diminish the magnitude of the negative perceptions of the office, as further discussed in Section 5.3.

From a broader perspective, it is striking how the DA's office conveys more images of the investigation than it does of the shooting. Although this can be explained from a strategic perspective, the focus also gives insight into the office's framings, as discussed in the next section.



## 5.2 Framings

This section looks at the interpretations constructed and conveyed by the Queens DA's office in the debate that ensued after the Sean Bell shooting.

By looking at the dynamics of these interpretations, it becomes clear that they are largely shaped by time and especially by location. More specifically, Assistant District Attorney Charles Testagrossa conveys different interpretations in the court room concerning both the shooting and the aftermath of the shooting than District Attorney Richard Brown does in the process leading up to the court hearings. This is similar to the pattern of perceptions conveyed by both, as discussed in the previous section.

There is also a profound difference between the quantity of conveyed framings on the shooting and those on the processes following the shooting: While the Queens DA's office only sporadically makes statements about the night of the shooting, it is more detailed in its interpretations of the shooting's aftermath.

Similar to the 'interpretation' sections of other chapters, this section is divided into a subsection on interpretations of the shooting, and a subsection on interpretations of the aftermath. As the schism between courtroom rhetoric and press conference rhetoric stands out, the analysis will be structured accordingly — but not rigidly — within these subsections.

### 5.2.1 Framing the shooting: Danger, laws, and social values

Similar to Police Commissioner Kelly, the Queens DA's office conveys its interpretation of the shooting's aftermath only sparingly. This is in line with the equally evasive perceptions, as well the reasons for this evasiveness, both conveyed by the district attorney at the beginning of the shooting's aftermath. The elements of the interpretation constructed by the DA's office are scattered throughout the communication articulated during the aftermath. As a new element, the DA's office also interprets the framings of other stakeholders. As these framings provide valuable insights into the office's own interpretations on the shooting, they will be scrutinized at the end of this subsection.

Before the trial, the Queens DA's office only speaks out at certain instances, usually in response to reporters' questions on the (apparent delay in the) investigative process. During those instances, it is striking that Mr. Brown does not place the shooting within a clear historical or organic framing, like police critics and police defenders do. References to police shooting patterns, for example, are not made. Yet, subtly, and perhaps unintentionally, Mr. Brown does interpret the shooting from such framings on some occasions. He does so by focusing on the investigation, rather than on the shooting itself.

The following two excerpts exemplify this:

### ***Just after the shooting (November 2006)***

An excerpt from a *New York Times* biographical article on Mr. Brown:

Might it turn out to be a career-breaker rather than a career-maker? “Quite frankly, I think my career has already been defined,” he says. Then he appropriates the question.

“What you’re suggesting is ‘You’re damned if you do and you’re damned if you don’t,’ but I’m not here because it’s a cushy job,” he says, realigning his red tie on his shirtfront. “I’m here because I want to do the right thing. This is what I told my own staff,” he adds, shuffling his notes and reading, verbatim, from the comments he made at his Monday meeting. **“It’s the kind of story that defines our tenure,”** he said of the Bell shooting, reminding his staff that the office has the respect of the police as well as the confidence of Queens County residents and he isn’t keen on forfeiting either. “I want to be certain that we come out of this investigation with that reputation intact.”<sup>20</sup>

### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on a news conference after the indictments:

Richard A. Brown, the Queens District Attorney, said at a news conference early in the day that the grand jury proceedings were “as thorough and complete as I’ve ever participated in.”

His office’s investigation, he said, drew in 100 witnesses and 500 separate exhibits. He said the grand jury “acted in the most responsible and conscientious fashion,” and noted that **he could not recall a grand jury that deliberated for three days on a case**, as this one did.

“This was **a case** that was, I’m sure, **not easy for them** [grand jurors] **to resolve**,” he said.<sup>21</sup>

At first glance, the statements merely appear to give insight into the interpretation of the processes after the shooting. However, indirectly, the prosecutor interprets the shooting as a deviation from a pattern of other, less complex and perhaps less controversial cases (‘it is the kind of story that defines our tenure’, ‘not easy for them [grand jurors] to resolve’, ‘he could not recall a grand jury that deliberated for three days on a case’).

The fact that the district attorney refers to the investigation in its interpretation of the shooting, as opposed to the shooting itself, shows that he interprets the shooting both from self-centered and judicial perspectives. Within these perspectives, scant interpretations are placed within a broader historical and organic framing. However, the DA’s office delimits its interpretation of the shooting in a different way:

### ***Just after the shooting (December 2006)***

A *New York Times* excerpt on the focal points in the investigation:

One of the issues the district attorney is considering, the official in Mr. Brown’s office said, is at what point **a mistake** by police officers becomes a **criminal act**. The answer, prosecutors say, is more complicated than a layman might expect, because **state law gives police somewhat more latitude in using deadly force than it gives civilians**.<sup>22</sup>

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

Mr. Brown told me yesterday that he has a tremendous amount of additional information to gather before his office attempts to speak to the cops. “I’ve got no business talking to these cops,” he said, “until I know, or am reasonably satisfied, as to what **the facts** are.”<sup>23</sup>

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA’s office:

Mr. Brown said he could not discuss specifics of the case, despite the public interest. “My primary responsibility is to ensure that nothing compromises or prejudices **my investigation**,” he said. “And a discussion of that which purportedly occurred, based, in many instances, on preliminary information and in unsubstantiated facts, would be inconsistent with that responsibility.”<sup>24</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:

I have said that our investigation, which is active and continuing, will be thorough and complete **and that our decisions will be based solely on the law and upon the facts as we and the grand jury determine them to be**. We will follow the evidence wherever it leads us, and we will reach no conclusions until all of the **facts** are in.<sup>25</sup>

What is striking in the above excerpts is that the shooting is interpreted in a different way from the framings discussed so far. However, the perspective of interpretation remains the same: Similar to most other stakeholders, the Queens DA’s office interprets the shooting from a self-centered perspective (‘my investigation’). The shooting is also interpreted from a judicial perspective. The strong focus on ‘facts’, in turn, also shows how the shooting is interpreted from a factual, rather than an emotional perspective.

The quotes above do not give specific insight into how the shooting is interpreted, apart from ‘a case to be investigated’, yet the district attorney does give strict criteria on how he will interpret the shooting: ‘our decisions will be based solely on the law and upon the facts as we and the grand jury determine them to be’. Only the law, which ‘gives police somewhat more latitude in using deadly force than it gives civilians’, determines at what point a ‘mistake’ by police officers becomes a ‘criminal act’. This again shows how the shooting is interpreted from a non-emotional, factual perspective. In addition, these guidelines give insight into how the district attorney interprets the aftermath of the shooting, including his own role, as will be further discussed in the next subsection.

While this judicial framing constructed and conveyed by the Queens DA’s office is in itself unremarkable, as prosecutors apply the law — and also the facts — to prosecute the case, it is important to point out that this framing is disparate from that of police critics discussed earlier, which is emotional, and moreover, focuses on broader historical and organic patterns of police misconduct and racial injustice. The resulting interpretations based of the specific delimitation set out by the Queens DA’s office are communicated on different occasions, for example when Mr. Brown speaks out on the racial aspects of the shooting:

### *Just after the shooting (November 2006)*

Mr. Brown on the racial aspects of the shooting:

**“I don’t** see this as being a **hate crime** or a **racially motivated crime** in any sense. [...] It’s a no-brainer that it’s the kind of incident that cries out for an investigation by a grand jury, not that I’m afraid of making factual decisions on my own.”<sup>26</sup>

In the statement above, Mr. Brown refutes the notion that the shooting is racially motivated. Although he does not explain his interpretation, it can be assumed that it is — to a certain degree — in line with that of the police defenders, who look at the color of the implicated officers, or phrased differently, at the ‘narrow’ facts of the case, and not at the broader historical and organic patterns of police misconduct and racial injustice in their interpretation of the racial aspects of the case. The racial aspects are thus interpreted by the law and the facts, or in other words, by the criteria stated above.

During the trial, the interpretation of the shooting becomes clearer. The act of prosecution in itself can be seen as an interpretation of the shooting as a ‘criminal act’ that is not in line with the ‘laws’ and hence the officers should be prosecuted.

In line with the criteria described above, Mr. Testagrossa scarcely ventures into the historical or organic interpretations of the shooting. However, as the *New York Times* in its coverage only included a limited amount of quotes from Mr. Testagrossa’s prosecution argumentation, there might be references that are not included in this analysis. Only during the closing arguments does the prosecutor interpret the shooting as part of a broader organic framing:

### *At the end of the trial (April 2008)*

A *New York Times* excerpt on Mr. Testagrossa’s closing arguments:

In all, there were seven hours of arguments. Those in the courtroom were rapt throughout. Onlookers in the wooden benches included Mr. Guzman, Mr. Benefield and other witnesses who may not have been allowed to sit in earlier. Mr. Bell’s mother, Valerie Bell, sobbed silently into her husband’s shoulder as Mr. Testagrossa finished his statements: **“We ask police to risk their lives to protect ours, not to risk our lives to protect their own.”**

[...] Mr. Testagrossa, who addressed the judge last, said that any justification the officers might have had disappeared after the first few shots. “Defense would have you believe that the number of gunshots fired is irrelevant,” he said. “But they certainly **have a responsibility to cease using deadly physical force as soon as they can safely do so.**”<sup>27</sup>

The statements made by Mr. Testagrossa at first glance appear to differ from the comments made earlier by the Queens DA’s office, as the prosecutor now apparently does frame the shooting within a broader organic interpretative framing that extends beyond the narrow factual framing described above, and which seemingly resembles that of police critics. More specifically, the assistant district attorney interprets the conduct of the officers as a deviation from broader socially accepted values concerning how the police should behave (‘We ask police to risk their lives to protect ours, not to risk

our lives to protect their own'; 'But they certainly have a responsibility to cease using deadly physical force as soon as they can safely do so').

However, on closer examination this framing can still be seen as in line with the judicial framing conveyed by Mr. Brown, as such socially accepted values are closely linked to the legal system. Then again, Judge Cooperman does not include these broader, socially accepted values in his interpretation of the shooting and the law, as discussed in Section 5.4.

In addition, it is important to note that the interpretative framing presented above is only to a certain extent in line with the interpretation of police critics. While both interpret the behavior of the implicated officers as negative and unacceptable, the police critics place this negative behavior within an equally negative historical and organic pattern of police misconduct and racial injustice. The prosecutor, conversely, interprets the conduct of the officers far less negatively as a deviation from a broader organic pattern of behavior that is in line with socially accepted values concerning how the police should behave.

As a final point, it is interesting to look at how the DA's office interprets the framings of other stakeholders on the shooting. These specific 'stakeholder-observant' interpretations, which do not occur in such a comprehensive fashion in the discourse conveyed by other stakeholders, give a new, analytical dimension to the way the DA's office interprets the Sean Bell case. The following statement, for example, refutes more indirectly that the shooting is racially motivated, by interpreting the framing of other stakeholders:

### *Just after the shooting (December 2006)*

A Queens DA's office official:

"What makes these cases so hard are **issues that go well beyond the incident itself.**"

[...] **"It's the racial tension that still exists in the city. [...] It's the mistrust in the minority community. It's cops that are faced with danger every day and have to react in seconds. It's safe to say, if they're wrong, somebody dies — whether a civilian or an officer."**

[...] **"When you listen to people in the community talk about a case like this, it doesn't take long before the conversation goes well beyond the incident in question. [...] It goes to other incidents in the past. It goes quite frankly to the general interaction between cops and people in the community."**<sup>28</sup>

In the statements above, the official conveys several aspects of the interpretative framing of police critics ('It's the mistrust in the minority community', 'It goes to other incidents in the past', 'It goes quite frankly to the general interaction between cops and people in the community') and police defenders ('It's cops that are faced with danger every day and have to react in seconds. It's safe to say, if they're wrong, somebody dies — whether a civilian or an officer'). There is a difference between how the official conveys the interpretative framing of the police critics and that of police defenders. While the official distances himself somewhat from the interpretation held by police

critics, he does not do this for the interpretation held by the NYPD and police defenders concerning the shooting. This difference becomes apparent in a rhetorical nuance that is hard to distinguish at first glance. More specifically, the official refers to the ‘mistrust in the minority community’ from a distanced perspective, and points out that ‘When you listen to people in the community talk about a case like this [...] the conversation goes well beyond the incident in question’. By doing so, the official subtly distances himself from the interpretation held by police critics. Conversely, he does not do so for police defenders. Moreover, the official presents the reality of the police defenders as his own, by using dogmatic assertions (‘it’s the cops that are faced’) and other unambiguous rhetoric (‘it’s safe to say’).

By doing so, the official from the Queens DA’s office indirectly distinguishes between the interpretation of the shooting by his office from that of police critics. While not particularly elaborating on the former, the official does emphasize how the interpretative framing of police critics is much broader than it can be from a judicial perspective, or even from a general perspective. He does so by using rhetoric that subtly disapproves of this interpretation (‘go/goes well beyond’).

Besides distancing himself from the police critics’ interpretation of the shooting, the official indirectly gives insight into the office’s interpretation, or more narrowly his own interpretation of the shooting, i.e. that of the police defenders (‘It’s cops that are faced with danger every day and have to react in seconds. It’s safe to say, if they’re wrong, somebody dies [...] whether a civilian or an officer.’).

As spontaneous communication, the statements above reflect the interpretative framing of the Queens DA’s office, or even, in a more confined way, of the official giving the statement, by which the shooting is interpreted in a narrow, factual way. From a strategic communication perspective, conversely, the above could be a response to the criticism towards the DA’s office, and to the detrimental effects the rhetoric of police critics has on the debate, as will be further discussed in Subsection 5.3.1.

While the focus on the interpretative framings of other stakeholders at first glance resembles Mayor Bloomberg’s stakeholder-centered approach, the DA’s office approach is different in that it does not use all existing framings as guiding buoys for its own interpretation, but rather evaluates the framing of the police critics as an outsider. The statement above is thus not so much stakeholder-centered, but stakeholder-observant and self-centered. Mr. Testagrossa interprets other stakeholders’ framings in a similar way:

#### *At the end of the trial (April 2008)*

A *New York Times* excerpt on Mr. Testagrossa’s closing arguments:

“This, more **than any other case in memory**, is one that most **people view through the prism of their own prejudices**,” he said. “**If you are a police officer or sympathetic to**

**police officers, the defendants are tragic heroes and the victims are thugs. If you are friends of the victims, then the defendants are murderers.”**

**“The truth,”** he continued, **“lies somewhere in between the polar extremes.”**<sup>29</sup>

Mr. Testagrossa’s argumentation seeks conciliation between the different realities held by stakeholders in the debate (‘The truth [...] lies somewhere in between the polar extremes’), and also interprets them (‘If you are a police officer or sympathetic to police officers, the defendants are tragic heroes and the victims are thugs. If you are friends of the victims, then the defendants are murderers.’). Moreover, Mr. Testagrossa values these interpretations negatively (‘prism of their own prejudices’). This remark not only shows how the assistant district attorney now conveys an interpretation of the shooting that lies between the police critics and police defenders, it also shows how he interprets the process that ensued afterwards, as will be discussed in the next subsection.

### **Summary**

In sum, the Queens DA’s office interprets the shooting — as well as the inherent culpability question, and the racial aspects of the case — from a judicial, non-emotional, factual and process-oriented perspective in which only the law determines at what point a mistake by police officers becomes a criminal act and only the facts of the case determine whether there was any racial motivation. While the shooting fits within a historical and organic framing that entails danger and chaos and in which police mistakes are easily made, the conduct of the officers is not interpreted as a mistake but as a criminal act that should be prosecuted, as it is not in line with the law and is a deviation from a broader pattern of socially accepted values concerning how the police should behave, including the protection of the lives of citizens over the lives of policemen, and the responsibility to use deadly force. In addition, the shooting is interpreted as a deviation from a pattern of other, less complex and perhaps less controversial cases.

Although the DA’s office does acknowledge that racial tensions still exist in the city and that police officers are faced with danger every day and have to react in seconds, it does not incorporate the first framing in its interpretation of the shooting, and incorporates the second framing only to a limited extent. The interpretation held by the DA’s office is for that matter mainly self-centered, and also narrow. This choice, in turn, gives insight into the desired means of debate, as will be discussed in Subsection 5.3.1.

In a broader sense, the framings are not always unintended cognitive associations, but often used as a communication strategy. The schism between the earlier communication conveyed by Mr. Brown and that exercised at a later stage by Mr. Testagrossa can be explained by the specific arena in which the latter statements are made, i.e. the court. Whereas Mr. Brown’s earlier remarks can be seen as defensive communication aimed at countering the interpretations held by police critics on the shooting, and their consequential desire for immediate indictments, the statements made by Mr.

Testagrossa conversely are in line with those of police critics, as the assistant district attorney aims to assure conviction of the implicated detectives.

### 5.2.2 Framing the aftermath of the shooting: A history of proper and professional conduct

While the Queens DA's office reveals its interpretation of the shooting only to a limited extent, it is somewhat more candid about its interpretations of the aftermath of the shooting. Such interpretations are conveyed before the trial by Mr. Brown; during the trial, Mr. Testagrossa does not convey his framing of the aftermath of the shooting, apart from during his closing arguments.

The analysis of the DA's office's interpretation of the shooting already gave insight into the framings constructed on the shooting's aftermath. More specifically, as the shooting can only be interpreted within a judicial framing, the Queens DA's office interprets the aftermath of the shooting — when the interpretation of the shooting in fact takes place — within a similar judicial framing, in which historical and organic dimensions do not dominate.

The following statements give insight into this core element of the interpretative framing held by the DA's office on the aftermath of the shooting:

#### *Just after the shooting (November–December 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA's office:

While some have called for **rapid action** in the case, the Queens District Attorney, Richard A. Brown, who is leading the investigation, acknowledged that some community leaders he met with on Monday might have been disappointed when he told them that the inquiry was in its most preliminary stages.

**“They didn’t hear what it is perhaps they wanted to hear, that it would be immediately presented to a grand jury and that we would immediately seek an indictment,”** he said. **“There is just a great deal of work that needs to be done before we can make any judgments with respect to where we’re going.”**

Mr. Brown **said he could not discuss specifics of the case, despite the public interest.** “My primary responsibility is to ensure that **nothing compromises or prejudices my investigation,**” he said. “And a discussion of **that which purportedly occurred,** based, in many instances, on preliminary information and in unsubstantiated facts, would be inconsistent with that responsibility.”<sup>30</sup>

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

He said he hopes to speak to the officers next week, but he does not know when the matter might be presented to a grand jury. **“You never go before a grand jury with a case,”** said Mr. Brown, **“unless you’ve got all the T’s crossed and the I’s dotted.”**<sup>31</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:



I have said that our investigation, which is active and continuing, will be thorough and complete and **that our decisions will be based solely on the law and upon the facts** as we and the grand jury determine them to be. We will follow the evidence wherever it leads us, and **we will reach no conclusions until all of the facts** are in.<sup>32</sup>

*During the grand jury process (March 2007)*

A *New York Times* excerpt:

The office of the Queens District Attorney, Richard A. Brown, declined to answer questions about the grand jury proceeding or to say where the panel is meeting. “We’re withholding any comment **until the investigation is complete**,” said Kevin Ryan, a spokesman for Mr. Brown.<sup>33</sup>

*Just after the indictments (March 2007)*

A *New York Times* excerpt on the charges made against the detectives:

Beyond reading the charges at a news conference, Mr. Brown, the Queens District Attorney, **declined to elaborate on them.**

“**The interests of a fair and balanced prosecution** prevent me from providing you with more information than I have already provided,” he said. “It deserves repeating that a **grand jury does not decide whether a person has been proven guilty**. That is a trial jury’s job.”<sup>34</sup>

*In between the indictments and the trial*

Mr. Brown on the detectives’ request for a venue change:

“There’s no reason to believe that a fair and impartial jury could not be found amongst the 2.3 million people here in Queens. [...] This is a case that occurred here in Queens and **it should, in my opinion, be tried** by a jury representative of the diversity of Queens.”<sup>35</sup>

*Just before the trial (February 2008)*

A *New York Times* excerpt:

Prosecutors have declined to discuss the case before trial. Richard A. Brown, the Queens District Attorney, said Wednesday, “**The case should be tried in the courtroom and not on the courthouse steps.**”<sup>36</sup>

What is striking above all in the statements above, is that the Queens DA’s office strictly interprets the events after the shooting from within a narrow judicial, factual and process-oriented framing (‘our decisions will be based solely on the law and upon the facts’, ‘The case should be tried in the courtroom and not on the courthouse steps’), in which carefulness, thoroughness and completeness (‘unless you’ve got all the T’s crossed and the I’s dotted’), as well as fairness (‘The interests of a fair and balanced prosecution’) and ‘the facts’ are foremost, and are placed above swiftness in action. The organic dimensions of this interpretation are only subtly conveyed, by statements that do not specifically refer to the Sean Bell case, but conversely can apply to numerous cases (‘the interests of a fair and balanced prosecution’, ‘a grand jury does not decide whether a person has been proven guilty’), as well as a clearer reference to universality (‘you never go before’). In the other remarks

made by the district attorney above, this specific framing is more delicately conveyed. More specifically, it is noticeable that every response refers to the investigative process ('a great deal of work that needs to be done', 'we will reach no conclusions until all of the facts are in', 'the case should be tried in the courtroom and not on the courthouse steps'), and not to the broader historical processes that either the police defenders or police critics refer to.

The excerpts above also show that Mr. Brown interprets the process after the shooting not only from a judicial, factual and process-oriented framing, but also from a self-centered perspective, in which the district attorney looks at his personal stake in the aftermath of the shooting ('great deal of work that needs to be done', 'my investigation'), instead of building on the framings of other stakeholders in his communication, as the mayor does. Although the district attorney does recognize the interpretation held by police critics ('They didn't hear what it is perhaps they wanted to hear'), he does this in such an indistinctive way ('they', 'it'), that the police critics' interpretation is not only refuted, it is also underemphasized.

Thus, within this framing voiced by Mr. Brown before the trial, there is a strong focus on the office's own conduct. This is in line with the interpretative framing constructed by the NYPD, as that organization also elaborated and focused on its own performance in its interpretation of the events ensuing after the shooting. The Queens district attorney's self-centered perspective comprises not only a strong focus on his office's stake in the debate, but also a focus on his role and that of his team. The following statements highlight both aspects of this perspective:

#### ***Just after the shooting (November–December 2006)***

An excerpt from a *New York Times* biographical article on Mr. Brown:

Might it turn out to be a career-breaker rather than a career-maker? "Quite frankly, **I think my career has already been defined**," he says. Then he appropriates the question.

"What you're suggesting is 'You're damned if you do and you're damned if you don't,' but I'm not here because it's a cushy job," he says, realigning his red tie on his shirtfront. "**I'm here because I want to do the right thing**. This is what I told my own staff," he adds, shuffling his notes and reading, verbatim, from the comments he made at his Monday meeting. "**It's the kind of story that defines our tenure**," he said of the Bell shooting, reminding his staff that the office has the respect of the police as well as the confidence of Queens County residents and he isn't keen on forfeiting either. "**I want to be certain that we come out of this investigation with that reputation intact**."<sup>37</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:

I am certain that when our work is completed, its results, when fairly judged, will justify **the confidence that the residents of this city have placed in us**.<sup>38</sup>

#### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on a news conference after the indictments:

Richard A. Brown, the Queens District Attorney, said at a news conference early in the day that the grand jury proceedings were “**as thorough and complete as I’ve ever participated in.**”<sup>39</sup>

In the excerpts above, Mr. Brown first interprets his own role in the aftermath of the shooting, and indirectly that of his office, from within a historical framing of competence (‘I think my career has already been defined’) and accountability (‘the confidence that the residents of this city have placed in us’). This interpretation appears to have both self-centered and stakeholder-centered elements. More specifically, in the first statement Mr. Brown appears to interpret the process after the shooting both as part of a self-centered perspective (‘It’s the kind of story that defines our tenure’), and from a more stakeholder-centered perspective (‘I want to do the right thing’). However, the district attorney does not expound exactly what ‘the right thing’ entails in regard to benefiting other stakeholders. Instead, the latter sentence again focuses on his own ‘stake’ in the debate (‘I want to be certain that we come out of this investigation with that reputation intact’). Although the district attorney definitely aims to seek conciliation (‘do the right thing’), which tells more about the desired outcome of debate, the interpretative basis is self-centered, as he only focuses on his own role.

Thus, while the district attorney, similar to the mayor, subtly acknowledges the different interpretative framings of other stakeholders (‘You’re damned if you do and you’re damned if you don’t’), he does not interpret the shooting from their perspective. In a broader sense, the DA’s office mainly expounds its interpretation of its own role, while it is not as outspoken about how it interprets the role of other stakeholders in the debate. This by itself underlines the self-centered perspective.

However, the DA’s office does occasionally interpret these roles of other stakeholders. In the first statement below, Mr. Brown interprets the role of police critics just after the shooting. Mr. Testagrossa’s closing arguments and the anonymous official’s statement — both discussed in the previous subsection — also deserve a closer look, as they give insight into the interpretation of other stakeholders in the Sean Bell debate:

#### ***Just after the shooting (November–December 2006)***

An excerpt from a *New York Times* biographical article on Mr. Brown:

It was the same procedure on Monday evening when Mr. Sharpton brought Mr. Bell’s grief-racked relatives by and Mr. Brown explained the investigation process. He urged Mr. Sharpton “to tone down the level of rhetoric” lest the case take on the **hysteria** that accompanied the trial of the four officers who fatally shot **Amadou Diallo**, an unarmed Guinean immigrant. “I just don’t want to see us fall into a trap **where the rhetoric so prejudices the case** that a fair trial cannot be provided for, if indeed it reaches that point.” Mr. Brown said he sensed that Mr. Sharpton left the meeting “confident that I’d go where the evidence led me, and that’s certainly my intention.”<sup>40</sup>

A Queens DA’s office official:

**“When you listen to people in the community talk about a case like this, it doesn’t take long before the conversation goes well beyond the incident in question. [...] It goes to other incidents in the past. It goes quite frankly to the general interaction between cops and people in the community.”**<sup>41</sup>

*At the end of the trial (April 2008)*

A *New York Times* excerpt on Mr. Testagrossa’s closing arguments:

**“This, more than any other case in memory, is one that most people view through the prism of their own prejudices,”** he said. “If you are a police officer or sympathetic to police officers, the defendants are tragic heroes and the victims are thugs. If you are friends of the victims, then the defendants are murderers.”

“The truth,” he continued, “lies somewhere in between the **polar extremes**.”<sup>42</sup>

In the first excerpt, Mr. Brown places the aftermath of the shooting, and specifically Mr. Sharpton’s role, in a historical framing of criticism that can cause damage. His remark — to a certain extent — resembles that of police defenders, yet there are differences. While police defenders interpret the role of police critics within a broader framing of ‘professional police haters’, and the aftermath of the shooting in a broader pattern of unfair criticism, unfair methods conveying this criticism, and unfair motives for uttering this criticism, which in turn leads to a pattern of police victimization, the Queens DA’s office more rigidly just interprets Mr. Sharpton’s rhetoric within the judicial process-oriented framing. More specifically, while this rhetoric, according to Mr. Brown, can ‘prejudice’ and ‘cause hysteria’, like it did in the past (‘Amadou Diallo’), he only interprets this behavior as being able to cause ‘a fair trial’ to be jeopardized. He does not speak of police victimization, or of professional police haters. Moreover, while he suggests that the criticism is unfair, he does not elaborate on this.

In the second and third excerpts, the official and Mr. Testagrossa more generally interpret the perceptions and interpretations of all stakeholders within both a historical framing (‘When you listen to people in the community talk about a case like this’ and ‘more than any other case in memory’) and an organic framing (‘most people [of prejudice] view through the prism of their own prejudices’) with broader-agenda criticism (‘goes well beyond the incident in question’). In turn, the debate in general is indirectly interpreted within a framing of polarized debates between the police defenders and police critics (‘polar extremes’) as one in which different interpretations dominate the process of debate (‘This, more than any other case in memory, is one that most people view through the prism of their own prejudices’). In other words, both officials not only place the shooting within a pattern of other cases, they also emphasize the ‘polarized nature’ of the Sean Bell case within this pattern.

As a final point, it is interesting to take a closer look at the assertion of the official in regard to broader-agenda criticism, as his remarks to a certain degree are in line with the discussion on this topic in Chapter 1, Part II, concerning broader issues brought up by police critics, for which the police are not chiefly responsible for — such as a broader pattern of racial inequality — while the police do take the full blow for this. More specifically, the official not only points at broader issues for which

the implicated officers themselves are not responsible ('It goes to other incidents in the past. It goes quite frankly to the general interaction between cops and people in the community'), he also links police critics to issues the police as a whole are not solely responsible for ('It's the racial tension that still exists in the city').

### **Summary**

In short, the Queens DA's office interprets the processes following the shooting within a narrow, organic, judicial, factual, process- and future-oriented framing void of emotions, in which carefulness, thoroughness, completeness and fairness are more important than swiftness in action. In a broader sense, the aftermath of the shooting is interpreted from a stakeholder-observant perspective, in which the processes following the shooting are part of a broader pattern of 'polarized' debates between the police defenders and police critics; in which different interpretations dominate the process of debate; but in which the Queens DA's office pursues the judicial and factual interpretation. The personal stake the office has in the aftermath of the shooting — i.e. the investigation to be conducted — plays a central role in this interpretation, which makes the interpretation self-centered. While the conduct of the district attorney is placed within a historical framing of competence and accountability, the communication by police critics and police defenders is placed within a historical framing of (broader-agenda) criticism and prejudice that leads to polarization and potential damage.

### **5.2.3 Conclusion**

The analysis in this section has demonstrated that the Queens DA's office interprets both the shooting and the events following the shooting from a judicial, non-emotional, factual and process-oriented perspective, in which only the law determines at what point a mistake by police officers becomes a criminal act and only the facts of the case determine whether there was any racial motivation, while carefulness, thoroughness, completeness and fairness are more important than swiftness in action. Through this perspective, the detectives' conduct is interpreted as a criminal act that should be prosecuted, as it is not in line with the law and a deviation from a broader pattern of socially accepted values concerning how the police should behave, while the aftermath of the shooting is part of a broader pattern of 'polarized' debates between the police defenders and police critics, in which different interpretations dominate the process of debate.

The core of both the interpretation of the shooting and the events ensuing after the shooting is self-centered, although there are certainly stakeholder-centered elements in the interpretative framing of the DA's office. Yet the communication that focuses on other stakeholders rather evaluates the communication deployed by these groups; the DA's office does not incorporate elements of the communication conveyed by other stakeholders into its own framing. The framings constructed and conveyed by the office concerning the shooting and its ensuing events resemble, but also deviate

from, those of the police critics and the NYPD, but also resemble — to a more limited extent — those of the mayor.

The discussed framings are the roots of the perceptions discussed in the previous section. More specifically, these perceptions, shifting from ‘that which purportedly occurred’ to ‘the kind of incident that cries out for an investigation’ and finally a ‘tale of carelessness’ — and with it their bipartite nature — are products of the broader interpretations based on laws and socially accepted values concerning how the police should behave, but also how the case should be prosecuted.

The rhetoric used to convey the cognitive associations within these broader framings is nondescript, factual and detached, yet during the trial more passionate and emphatic.

## 5.3 Positioning

This section will examine the elements that make up the positioning of the Queens DA's office, i.e. the delineation of debate and reality, as well as the driving force and filter of debate, the character of communication, and the level of conciliation with other stakeholders. The latter three elements are again combined in one subsection.

The limited amount of communication, as well as the bipartite approach of Mr. Brown on the one hand, and Mr. Testagrossa on the other, and the periodically evasive, nondescript language, make it more difficult to determine the exact positioning of the Queens DA's office, in comparison to that of the police critics and police defenders. Moreover, the desired outcome of debate shows resemblances to the delineation of reality, which makes it difficult to avoid overlap.

### 5.3.1 The delineation of debate: 'Doing the right thing'

This subsection examines what the Queens DA's office aims to accomplish in the debate that ensued after the Sean Bell shooting. Unlike the police defenders and police critics, the office does not focus clearly and profoundly on one specific outcome.

While it would seem logical that the desired outcomes of debate held by police critics and the Queens DA's office to a certain degree overlap, i.e. a prosecution that leads to conviction, only the police critics formulate and reiterate this desired outcome of debate ('Justice for Sean Bell') on numerous occasions throughout the aftermath of the shooting. Of course, the official charges by themselves can be seen as a desired outcome of debate that is in line with 'Justice for Sean Bell', yet the necessity for conviction does not reoccur in the communication conveyed by the DA's office in the same way as it does in the communication conveyed by police critics. Instead, the office's main desired outcome of debate better resembles that of the NYPD, as the following quotes show:

#### *Just after the shooting (November–December 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA's office:

Mr. Brown said he could not discuss specifics of the case, despite the public interest. "My primary responsibility is **to ensure that nothing compromises or prejudices my investigation**," he said. "And a discussion of that which purportedly occurred, based, in many instances, on preliminary information and in unsubstantiated facts, would be inconsistent with that responsibility."<sup>43</sup>

A *New York Times* excerpt on Mr. Brown responding to reporters' questions:

The Queens District Attorney, Richard A. Brown, declined last night to comment on the substance of the case, but promised a "**full, fair and complete investigation**."<sup>44</sup>

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

Mr. Brown told me yesterday that he has a tremendous amount of additional information to gather before his office attempts to speak to the cops. “**I’ve got no business talking to these cops,**” he said, “until I know, or am reasonably satisfied, as to **what the facts** are.”<sup>45</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:

I have said that **our investigation**, which is active and continuing, **will be thorough and complete** and **that our decisions will be based solely on the law and upon the facts** as we and the grand jury determine them to be. **We will follow the evidence wherever it leads us,** and we **will reach no conclusions until all of the facts are in.**<sup>46</sup>

*Just before the indictments (March 2007)*

A *New York Times* excerpt:

Mr. Brown has said since the shooting that **he sought to conduct a careful, thorough impartial investigation**, despite critics who urged his office to move more swiftly.<sup>47</sup>

*Just after the acquittals (April 2008)*

A *New York Times* excerpt on Mr. Brown speaking about the verdict:

In a statement after the verdict, Mr. Brown ran down a list of statistics from the trial: 28 days, 60 witnesses, 900 exhibits, a transcript that ran 5,400 pages. While he made no mention of the strategy his office had pursued at trial, he said it was essential to continue the “public debate” that the case had brought about “**through passionate and reasoned argument.**”<sup>48</sup>

In the statements above, Mr. Brown delineates his desired outcome of debate in a similar way to the NYPD, by focusing on the process (‘what the facts are’, ‘conduct a careful, thorough, impartial investigation’), rather than focusing on ‘justice’ or on ‘fairness’. In this, the desired outcome of debate again almost becomes inferior to the process of debate, i.e. to conduct a careful, thorough and impartial investigation and consequential prosecution. In addition, the debating process should be continued ‘through passionate and reasoned argument’.

In contrast to the NYPD, however, the Queens DA’s office does not frame its own conduct within an organic deterministic process, but within a framing of active participation of the office, which in turn influences the desired means of debate. The district attorney stresses this on multiple occasions, by using affirmative and decisive vocabulary (‘to ensure that nothing compromises or prejudices my investigation’; ‘our investigation [...] will be thorough and complete’; ‘our decisions will be based solely on the law and upon the facts’; ‘we will follow the evidence wherever it leads us’; ‘we will reach no conclusions until all of the facts are in’; ‘I’ve got no business talking to these cops’; ‘he sought to conduct [...]’) detailing how the DA’s office is going to safeguard its promised thoroughness. The quotes above hence demonstrate a self-centered approach that is similar to that of the NYPD, in which the delineation of debate is driven by the narrow process-oriented reality held by this group. However, the Queens DA’s office focuses much more actively on personal responsibilities towards other stakeholders, which, in turn, is a stakeholder-centered approach.



Although the office, akin to the police defenders, focuses on the notion of fairness in the statements above ('full, fair and complete investigation'), it does so in a different way from the latter group. More specifically, it does not delimit the notion of fairness in the way police defenders do (i.e. 'fairness for all officers'), or in the way police critics do for the notion of justice (i.e. 'justice for Sean Bell'). Fairness in the communication of the Queens DA's office, for that matter, involves impartiality and universality. Conversely, the notion of fairness is delimited by the process-oriented reality held by the office. The following excerpts further expound this:

### *Just after the indictments (March 2007)*

A *New York Times* excerpt on the charges made against the detectives:

Beyond reading the charges at a news conference, Mr. Brown, the Queens District Attorney, declined to elaborate on them.

"The interests of **a fair and balanced prosecution** prevent me from providing you with more information than I have already provided," he said. "It deserves repeating that a grand jury does not decide whether a person has been proven guilty. That is a trial jury's job."<sup>49</sup>

### *In between the indictments and the trial*

A *New York Times* excerpt on the judge's decision not to change the venue:

A New York state appeals court ruled on Wednesday against moving the trial of three detectives charged in the killing of Sean Bell to a location out of New York City, clearing the way for jury selection to begin in Queens on Feb. 4.

Judges at the Appellate Division of State Supreme Court in Brooklyn, which oversees Queens courts, denied the motion for a change of venue in the trial in the Nov. 25, 2006, killing of Mr. Bell outside a strip club in Queens. But lawyers for the detectives may renew their request after jury selection is completed, a task that is expected to last longer than usual because of the extraordinary amount of publicity surrounding Mr. Bell's death.

[...] "Today's decision reflects that which we said all along," Mr. Brown said in a statement, "that **a fair and impartial jury** can be selected from among the 2.3 million residents of Queens County."<sup>50</sup>

A *New York Times* excerpt on the detectives' request for a judge instead of a jury:

"I think that it is stunning that these officers want to do everything but be accountable to the people they serve in Queens," Mr. Sharpton said. "Police should be accountable to the people they serve. It is interesting they would be accountable to people in another venue, but in Queens they do not want to face the people."

Mr. Brown, the district attorney, was less inflamed. "**Defendants** have an absolute right under the law to have the case tried by a judge rather than before a jury," he said. "Either way, **I'm certain** that they will receive **a fair trial**."<sup>51</sup>

Although Mr. Brown focuses on 'a fair and balanced prosecution', 'a fair and impartial jury' and 'a fair trial', like the police defenders do, he does not stress the need for this in the same way, nor does he delimit the notion of fairness by limiting it to one stakeholder group. His objective here thus

appears to be similar to that of the mayor, i.e. the realization and safeguarding of fair treatment of all New Yorkers, not just that of a specific group in society. The notion of fairness — in the rhetoric of the DA's office — is hence also linked to the implicated detectives ('defendants'). Hence the statements above can be seen as stakeholder-centered and broadly delimited, as they present the need for fairness as a universality that applies to all stakeholders involved.

Yet Mr. Brown does delimit the notion of fairness in another way, by solely linking it to the judicial processes, specifically the trial. In other words, he stresses the fairness of the processes leading to the judge's decision and does not focus on the outcome of that decision. Thus, while the mayor speaks of fair treatment of all New Yorkers in a very broad sense, the district attorney delimits this to the process of the trial, and applies the notion to the stakeholders involved in it.

Not all statements focus on the desired process of debate; some early remarks made by the district attorney are more directed to the actual outcome. However, this outcome does not involve 'prosecution leading to conviction', as the following quotes show:

#### *Just after the shooting (November 2006)*

An excerpt from a *New York Times* biographical article on Mr. Brown:

Might it turn out to be a career-breaker rather than a career-maker? "Quite frankly, I think my career has already been defined," he says. Then he appropriates the question.

"What you're suggesting is 'You're damned if you do and you're damned if you don't,' but I'm not here because it's a cushy job," he says, realigning his red tie on his shirtfront. "I'm here **because I want to do the right thing**. This is what I told my own staff," he adds, shuffling his notes and reading, verbatim, from the comments he made at his Monday meeting. "It's the kind of story that defines our tenure," he said of the Bell shooting, reminding his staff that **the office has the respect of the police as well as the confidence of Queens County residents and he isn't keen on forfeiting either**. "**I want to be certain that we come out of this investigation with that reputation intact.**"<sup>52</sup>

In the statement above, the desired outcome of debate for Mr. Brown is 'to do the right thing'. He specifies this outcome in the last sentence, by saying that he wants 'to be certain that we come out of this investigation with that reputation intact.'

The statement above can be interpreted as both stakeholder-centered and self-centered, depending on the parameters of the definition for these concepts. The district attorney's commitment 'to do the right thing' resembles the active participation promised by the mayor to aid other stakeholders. However, while the district attorney does stress the fact that 'the office has the respect of the police as well as the confidence of Queens County residents', thus including other stakeholders in the desired outcome of debate, the object of this outcome, again, is self-centered ('I' and 'we'). In a broader sense, the fact that the district attorney wants to keep the good name of his office ('I want to be certain that we come out of this investigation with that reputation intact'), is self-centered.

Thus, the process-driven, partially delimited and variably centered desired outcome of debate entails ‘doing the right thing’, i.e. coming out of the investigation with the office’s reputation intact, both with the community and the police, by means of conducting a careful, thorough and fair (impartial) investigation and consequential prosecution.

Like with other stakeholders, the desired outcome of debate is challenged throughout the aftermath of the shooting. This starts immediately after the night Sean Bell was shot, when the desired outcome was challenged on different levels. During this period, police critics were not only critical of the NYPD, but also of the Queens DA’s office, maintaining that the district attorney cannot independently do his investigation and that the process of investigation is slow. This atmosphere of criticism is a challenge to the desired outcome of debate, as it could harm the desired process, and in addition can have a detrimental effect on the reputation of the office. A difficulty in the analysis of these specific challenges for that matter is that the desired outcome of debate shows resemblances to the delineation of reality, as both involve the conduct and reputation of the office. Although overlap in analysis is hard to avoid, this subsection will focus on events that thwart the desired means of debate, and thus ultimately also the desired outcome of debate, while the next subsection scrutinizes how the existence of the reputation itself is challenged.

The excerpts below do not always refer to direct criticism, yet comprise responses to an atmosphere of criticism. Debate challenges in fact start just after the shooting:

### *Just after the shooting (November–December 2006)*

An excerpt from a *New York Times* biographical article on Mr. Brown:

It was the same procedure on Monday evening when Mr. Sharpton brought Mr. Bell’s grief-racked relatives by and Mr. Brown explained the investigation process. He **urged** Mr. Sharpton “**to tone down the level of rhetoric**” **lest the case take on the hysteria** that accompanied the trial of the four officers who fatally shot Amadou Diallo, an unarmed Guinean immigrant. “I just don’t want to see us fall into a **trap** where **the rhetoric so prejudices** the case that a fair trial cannot be provided for, if indeed it reaches that point.” Mr. Brown said he sensed that Mr. Sharpton left the meeting “confident that I’d go where the evidence led me, and that’s certainly my intention.”<sup>53</sup>

A *New York Times* excerpt on law enforcement officials speaking about the investigative process:

Prosecutors are **still awaiting the results of ballistics reports from the police**, the official said, but they have begun contacting the lawyers for the five police officers who fired their guns that morning and will most likely speak with the police officers themselves sometime in the next few weeks, possibly as early as next week.

Another law enforcement official said that the numerous interviews that have been conducted by officers in the Police Department’s Internal Affairs Bureau have been tape recorded, so prosecutors have several hours of taped dialogue to review.

“**Our people want to listen** to the prior interviews,” that official said. “Listen to them and go over them.”<sup>54</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:

I have said that our investigation, which is active and continuing, **will be** thorough and complete and that our decisions **will be** based solely on the law and upon the facts as we and the grand jury determine them to be. We **will** follow the evidence wherever it leads us, and **we will reach no conclusions until all of the facts are in.**<sup>55</sup>

The first quote shows how Mr. Brown responds to a possible debate challenge, i.e. the detrimental effect of Mr. Sharpton's discourse on the fairness/impartiality of the trial, by linking the latter's rhetoric to 'prejudice' and 'hysteria', thus warning the reverend, by using decisive vocabulary, not to continue with such rhetoric for the sake of the investigation ('to tone down the level of rhetoric').

In the second statement, the prosecutors respond to a different debate challenge, i.e. the pressure of others to speed up the investigation. The office does not give in to this pressure, yet responds by factually stating the steps they are taking, and by showing how external factors ('still awaiting the results of ballistics reports from the police') prevent them from moving forward. While this resembles the NYPD's focus on process, the difference is that the prosecutors specify processes, while the department — in the main — just refers to the processes without elaborating much on them. Moreover, the prosecutors convey how actively they are involved in the process ('our people want to listen'). The statement for that matter does not exude the process determinism conveyed by the NYPD.

In the third excerpt, Mr. Brown's desired outcome of debate is challenged by Bob Herbert's editorial earlier in the *New York Times*, which criticized the lack of rapidity of the investigation conducted by the district attorney and pressured him to move forward. In defending his desired outcome of debate, Mr. Brown uses a similar technique to Mayor Bloomberg, using dogmatic assertions regarding what he believes is going to (and should) happen. Similar to the mayor, he links his desired outcome/means of debate to the delineation of reality, as will also be discussed in the next subsection. The decisive language used by the district attorney delimits the scope of debate, as it does not give in to the pressure of critics ('we will reach no conclusions until all of the facts are in').

After the indictments, the Queens DA's office responds in a comparable fashion to similar debate challenges:

#### ***Just after the indictments (March 2007)***

A *New York Times* excerpt on the charges made against the detectives:

Beyond reading the charges at a news conference, Mr. Brown, the Queens District Attorney, **declined** to elaborate on them.

"The interests **of a fair and balanced** prosecution prevent **me from providing you with more information than I have already provided,**" he said. **"It deserves repeating that a grand jury does not decide whether a person has been proven guilty. That is a trial jury's job."**<sup>56</sup>

### *In between the indictments and the trial*

A *New York Times* excerpt on the prosecutors response to the detectives' request for a venue change:

Prosecutors in Queens argued Thursday against moving the trial of three detectives charged in the 2006 killing of a man out of New York City.

In a motion filed in the Appellate Division of the State Supreme Court, the office of the Queens District Attorney, Richard A. Brown, challenged the defense team's claims that pretrial publicity had swayed potential jurors against the detectives in the killing of the man, Sean Bell. The prosecutors also discounted the results of a public opinion poll conducted by the defense by presenting their own polling statistics that showed that only 35.5% of potential jurors "report having formed an opinion about this case."

[...] "Defendants' portrayal of the media coverage of this case is **seriously skewed**," Assistant District Attorney John M. Castellano wrote in the motion. Mr. Castellano said that prosecutors planned to call more than 50 witnesses who would be, at the least, **inconvenienced by a change of venue**, and that a change "**may significantly impede the proceedings**."<sup>57</sup>

After the judge's decision in favor of the prosecution:

"Today's decision reflects that which we said all along," Mr. Brown said in a statement, "that a **fair and impartial** jury can be selected from among the 2.3 million residents of Queens County."<sup>58</sup>

A *New York Times* excerpt on the detectives' request for a judge instead of a jury:

"**I think that it is stunning that these officers want to do everything but be accountable to the people they serve in Queens**," Mr. Sharpton said. "Police should be accountable to the people they serve. It is interesting they would be accountable to people in another venue, but in Queens they do not want to face the people."

Mr. Brown, the district attorney, was less inflamed. "**Defendants have an absolute right under the law to have the case tried by a judge rather than before a jury**," he said. "Either way, **I'm certain** that they will receive a **fair trial**."<sup>59</sup>

The first quote shows how Mr. Brown anticipates a debate challenge, i.e. the request for more information — which does not fit within the anticipated process, by focusing on the notion of fairness. He delimits this notion by setting conditions for it to take place. In addition, and in a broader sense, the district attorney focuses on explaining the process itself ('It deserves repeating that a grand jury does not decide whether a person has been proven guilty. That is a trial jury's job'). Again, he does not give in to the challenge.

In the second excerpt, Assistant District Attorney John M. Castellano responds to the debate challenge, i.e. a change that is not in line with the desired process of debate, by saying that the reality of the police defenders is seriously skewed. By doing so, he presents a delimiting reality in order to safeguard the desired process of debate. In addition, the assistant district attorney responds by detailing how external actions can have a negative effect on the speed of the judicial processes ('may significantly impede the proceedings').

What is salient in the third excerpt is how the district attorney presents the notion of fairness as an incontrovertible fact ('I'm certain') in response to the police critics who want to prevent the defendants' request for a judge over a jury. The above focus on fairness is thus more a response/defense to a debate challenge (that the process is in jeopardy), than it stands out as a desired outcome by itself.

Also interesting in the third excerpt is how the desired outcome of debate differs between police critics and the DA's office. While Mr. Sharpton focuses on 'Justice for Sean Bell', Mr. Brown focuses on justice/fairness for all, fairness being delimited within a judicial framing ('Defendants have an absolute right under the law to have the case tried by a judge rather than before a jury'. This difference is also apparent after the acquittals:

### ***Just after the acquittals (April 2008)***

*New York Times* excerpts on Mr. Brown speaking about the verdict:

The Queens District Attorney, Richard A. Brown, said that Friday's verdict should not be taken as an acquittal of serious management weaknesses that he believes led to the Bell shooting.

**"To the contrary,"** Mr. Brown said, the trial **"revealed significant deficiencies in, among other things, supervision, tactical planning, communications and management accountability — insufficiencies that need to be addressed."**

He noted that a special panel set up by the Police Department after the shooting of Mr. Bell recommended 19 changes in undercover operations. "Virtually all of them had Sean Bell written all over them," Mr. Brown said. **He said he had called Mr. Kelly to volunteer his office's help.**<sup>60</sup>

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Mr. Brown, the district attorney, said he accepted the verdict, calling Justice Cooperman "one of this county's **most respected and learned jurists.**"

**"I accept his verdict and I urge all fair-minded individuals in this city to do the same,"** he said.<sup>61</sup>

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In a statement after the verdict, **Mr. Brown ran down a list of statistics from the trial: 28 days, 60 witnesses, 900 exhibits, a transcript that ran 5,400 pages.** While he made no mention of the strategy his office had pursued at trial, he said it was essential **to continue the "public debate" that the case had brought about "through passionate and reasoned argument."**<sup>62</sup>

In the excerpts above, Mr. Brown's response to the verdict is very different to that of the police critics. Not only does he stress that he accepts the verdict, he also links acceptance to fairness ('I urge all fair-minded individuals in this city to do the same'), implying that the trial itself was fair, and thus the verdict is too. Phrased differently, the verdict, from a procedural perspective, is in line with the desired outcome of debate, as it is the fair process itself, and not the verdict, that determines fairness.

The judge hence remains one of the ‘most respected and learned jurists’, also after the verdict, and the trial was not a ‘miscarriage of justice’, as the police critics put it. The district attorney is also glad that the trial revealed ‘significant deficiencies in, among other things, supervision, tactical planning, communications and management accountability’. While this is not sufficient for the police critics, it is for Mr. Brown, as it is the trial processes that are most important. Similarly, the prosecutor runs down ‘a list of statistics’ to show the process, and thus the desired means/outcome of debate, was a success. The desired means of debate should also be continued after the acquittals, as he urges the public to continue the debate through passionate and reasoned argument. He also demonstrates proactive behavior, by elaborating on the next steps (‘He said he had called Mr. Kelly to volunteer his office’s help’).

### **Summary**

This subsection has shown how the process-driven, partially delimited and variably centered desired outcome of debate of the Queens DA’s office has two strong components: the outcome itself, and the means of achieving this outcome. More specifically, the office proactively aims to ‘do the right thing’, i.e. coming out of the investigation with its reputation with both the community and the police intact, by means of conducting a careful, thorough and fair (impartial) investigation and consequential prosecution.

Although these components are interdependent, the desired means of debate is so strong in the communication of the Queens DA’s office that it — to a certain extent — becomes an outcome by itself, similar to that of the NYPD.

The discussion of debate challenges has not only shown the variable delimitation and the stakeholder-centered and self-centered components of the desired outcome of debate, it has also shown the different communication means used by this stakeholder group to defend and safeguard this outcome. When the process of debate is in jeopardy, in the eyes of the Queens DA’s office, it responds with an explanation of how actions and communications both by the office and by others can have a negative effect on the ‘fairness’ and speed of the trial and its preceding investigation, but also by pointing towards personal responsibilities and the necessity for the desired means of debate; by showing proactive behavior; by presenting a delimited reality in order to safeguard the desired process of debate and by using decisive language and dogmatic assertions concerning what the office believes will and should happen. Thus, while the DA’s office often acknowledges the different objectives of other stakeholders, it does not give in, and provides reasons for not doing so. The delineation of debate and reality at times coincide, as both the desired outcome and means of debate are at times presented as rigidly delimited reality.

As a final point, the analysis of debate challenges demonstrates how the objectives of the Queens DA’s office differ from that of police critics, in that the former seeks fairness in process,

while the latter seek justice for Sean Bell. Hence, the office's desired outcome of debate is more broadly delimited than that of police critics, while the means of debate are more rigidly defined.

### 5.3.2 The delineation of reality: A stakeholder-observant 'us' and 'them' positioning

This subsection scrutinizes the scope of the reality held by the Queens DA's office by looking at the boundaries of the reality held by this group on both the shooting and the aftermath of the shooting, how the group responds to different realities, and how it defines 'us' and 'them'.

Unlike the police critics and police defenders, the Queens DA's office does not focus profoundly on the truth. Only on one — important — occasion does the office focus on this notion. This moment, in turn, not only provides insight into the delimitation of the truth, but also into how the group responds to other realities, and ultimately how it positions itself in the debate that ensued after the Sean Bell shooting.

This moment, which has already been discussed on different occasions throughout this chapter, deserves another look:

#### *At the end of the trial (April 2008)*

A *New York Times* excerpt from Mr. Testagrossa's closing arguments:

**"This, more than any other case in memory, is one that most people view through the prism of their own prejudices," he said. "If you are a police officer or sympathetic to police officers, the defendants are tragic heroes and the victims are thugs. If you are friends of the victims, then the defendants are murderers."**

**"The truth,"** he continued, **"lies somewhere in between the polar extremes."**<sup>63</sup>

In this statement, Mr. Testagrossa defines the truth on the shooting as 'somewhere in between the polar extremes', the polar extremes being 'the defendants are tragic heroes and the victims are thugs' on the one side and 'the defendants are murderers' on the other side. The prosecutor for that matter literally positions himself and the truth he holds in between those of police critics and police defenders. Although he does not specify exactly what the truth is in this specific quote, it is clear that the prosecutor does not fully accept the realities held and presented by either police critics or police defenders. The prosecutor emasculates these realities by labeling those holding them as narrow-minded ('one that most people view through the prism of their own prejudices').

The scope and nature of the reality presented by Mr. Testagrossa at first glance might show resemblances to that of Mayor Bloomberg, but in fact they are fundamentally different from each other. More specifically, while the mayor holds and conveys a universal, all-encompassing stakeholder-centered reality built upon the different realities of all stakeholders, the reality held and conveyed by Mr. Testagrossa, conversely, is stakeholder-observant, self-centered, and delimited within the polar extremes of the realities held by other stakeholders. Phrased differently, while the



mayor maintains there is a reality that can encompass the realities held by different stakeholders, Mr. Testagrossa does not acknowledge such a reality, but a more narrow (single) version of the truth.

Mr. Brown likewise delimits his truth at one point in the aftermath of the shooting, by focusing on the reality held by others:

*Just after the shooting (November 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA's office:

Mr. Brown said he could not discuss specifics of the case, despite the public interest. "My primary responsibility is to ensure that nothing compromises or prejudices my investigation," he said. "And a discussion of that which purportedly occurred, based, in many instances, **on preliminary information and in unsubstantiated facts**, would be inconsistent with that responsibility."<sup>64</sup>

In the statement above, Mr. Brown delimits the scope of his reality concerning the shooting by setting it against a reality based on 'preliminary information' and 'unsubstantiated facts'. By doing so, he maintains that the reality that will be conveyed by him at a later point will be a truthful, unprejudiced one.

While the Queens DA's office is maintaining that other stakeholders' realities are rigidly delimited, in fact the office's own reality is also delimited, as opposed to the stakeholder-centered panoptic reality held by the mayor. More specifically, its reality, placed within the 'polarized extremes' of police defenders and police critics, is delimited by the narrow interpretative framings discussed in the previous section. The following quote shows how the Queens DA's office delimits its reality:

*Just after the shooting (December 2006)*

An excerpt from an open letter by Mr. Brown to the *New York Times*:

I have said that our investigation, which is active and continuing, will be thorough and complete and **that our decisions will be based solely on the law and upon the facts as we and the grand jury determine them to be**. We will follow the evidence wherever it leads us, and we will reach no conclusions until all of the facts are in.<sup>65</sup>

In this statement, Mr. Brown delimits the scope of reality concerning the shooting by saying this reality is 'based solely on the law and upon the facts'. By doing so, the district attorney rigidly excludes emotions and broader framings held by other stakeholders. In addition, he indirectly maintains that his office has the exclusive right to construct this reality, as the office and the grand jury determine the facts of the case. By doing so, the reality held by the Queens DA's office deviates from the all-encompassing reality held by the mayor. While the latter uses his perceptions and interpretations as guiding buoys, the Queens DA's office does not, and instead constructs its own,

based on facts that are determined solely by them. For that matter, the office constructs ‘one single version of the truth’, both prior to the trial and during the trial.

The following statements give insight into such a construction prior to the trial:

*Just after the shooting (November 2006)*

Mr. Brown on the racial aspects of the shooting:

“**I don’t see** this as being a hate crime or a racially motivated crime in **any sense**. [...] It’s a **no-brainer** that it’s the kind of incident that **cries out** for an investigation by a grand jury, not that I’m afraid of making factual decisions on my own.”<sup>66</sup>

In this statement, Mr. Brown’s scope of reality appears to vary, to a small extent, depending on which issue he is talking about. While most rhetoric delimits the reality concerning the racial aspects of the crime and on the necessity for a grand jury trial (‘any sense’, ‘no brainer’, ‘cries out’), the district attorney does point out that the reality held on the racial aspects of the shooting might not be universal, but only personal (‘I don’t see’). The office does not focus on ‘one single version of the truth’ in the way police critics or police defenders do for that matter. However, the delineation of reality sheds new light on the statement above. More specifically, while the district attorney presents his views as ‘personal’, he also claims the exclusive right to determine the truth.

During the trial, the prosecutor, Mr. Testagrossa, is much more detailed on what happened on the night of the shooting, and does focus on one version of the truth at times.

The following quotes give insight into the scope of his presented reality:

*During the trial (February–April 2008)*

A *New York Times* excerpt from Mr. Testagrossa’s opening speech:

“The story of how this tragedy occurred is a tale of carelessness,” said Charles A. Testagrossa, an assistant district attorney, adding that the shooting “**can only be characterized as criminal**.”<sup>67</sup>

Courtroom rhetoric of Mr. Testagrossa:

At the trial, the chief prosecutor, Charles A. Testagrossa, mentioned all of those as shortcomings on Nov. 25, 2006, when Sean Bell died. “There’s **no way** of sugarcoating it,” he said. “This **was** a slipshod operation.”<sup>68</sup>

A *New York Times* excerpt from Mr. Testagrossa’s closing arguments:

He [Mr. Testagrossa] criticized their lawyers and their cross-examinations of Mr. Bell’s friends who spent the night before and early morning of Nov. 25, 2006, with him at a strip club in Jamaica, Queens. He called the lawyers’ treatment of those witnesses and of the two men wounded in the shooting, Joseph Guzman and Trent Benefield, “**cruel sport**.”

[...] Mr. Testagrossa, who addressed the judge last, said that any justification the officers might have had disappeared after the first few shots. “**Defense would have you believe that**

**the number of gunshots fired is irrelevant,”** he said. **“But they certainly have a responsibility** to cease using deadly physical force as soon as they can safely do so.”

Detective Isnora has said he feared that Mr. Coicou, parked in front of the club, was about to be the target of a drive-by shooting. Mr. Testagrossa said that was **a lie concocted later to create a motive** for following Mr. Bell to his car.

He accused Officer Michael Carey, the star defense witness, who fired three shots and was not indicted, of claiming to have heard Detective Isnora identify himself as a police officer — an identification no one else said they heard — from **“a suspiciously distant point.”**<sup>69</sup>

The statements above show how Mr. Testagrossa, in the courtroom, presents a rigidly defined reality of what happened on the night of the shooting. He uses similar techniques to those of both the lawyers representing police critics and police defenders, i.e. the use of dogmatic assertions and emphatic, unambiguous vocabulary (‘can only be’, ‘no way’).

By doing so, he presents an uncompromising reality regarding the guilt of the police officers, in which no other interpretations, perceptions and viewpoints are possible in regard to the culpability for the shooting (‘can only be characterized as criminal’).

This type of communication can be classified as courtroom rhetoric, aimed at winning the court case. The communication for that matter can show a more restricted delimitation of the scope of reality than the prosecutor would convey in spontaneous communication. As the Queens DA’s office is a very homogeneous and small stakeholder group, most of the communication in fact can be labeled judicial discourse, as opposed to the communication conveyed by the more diverse police critics and police defenders.

The office’s reality concerning the shooting is only really challenged during the trial, when the prosecutor is in debate with defense lawyers. Such communication is not covered in the *New York Times*, apart from the statements above. In response to such reality challenges, the prosecutor does venture into the reality held by police defenders on the shooting (captured in the label ‘A matter of seconds’), but he does not agree with this reality (‘Defense would have you believe that the number of gunshots fired is irrelevant’ [...] ‘But they certainly have a responsibility [...]’).

The technique used to respond to reality challenges in the statements above is the emasculation of other truths by labeling them as incredible (‘defense would have you believe’, ‘suspiciously’, ‘a lie concocted’). The reality held by the DA’s office is also challenged by the verdict itself. The following remark by Mr. Brown is a response to this challenge:

### ***Just after the acquittals (April 2008)***

*New York Times* excerpts on Mr. Brown speaking about the verdict:

The Queens District Attorney, Richard A. Brown, said that Friday’s verdict should not be taken as an acquittal of serious management weaknesses that he believes led to the Bell shooting.<sup>70</sup>

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**“I accept his verdict** and I urge all fair-minded individuals in this city to do the same,” he said.<sup>71</sup>

The above excerpt shows how the reality held by Mr. Brown, now, is not universal, but personal, as he accepts the verdict. Although he maintains that the verdict is not ‘an acquittal of serious management weaknesses that he believes led to the Bell shooting’, such weaknesses were not the focal point of the reality conveyed by Mr. Testagrossa during the trial. This, in turn, implies a more flexible scope of reality than at the beginning.

The Queens DA’s office is much more explicit in its communication on how rigidly/broadly the organization defines the process after the shooting. The office especially provides insights into the delimitation of its reality concerning how the office is handling the investigation:

*Just after the shooting (November–December 2006)*

Mr. Brown on the racial aspects of the shooting:

“I don’t see this as being a hate crime or a racially motivated crime in any sense. [...] It’s a no-brainer that it’s the kind of incident that cries out for an investigation by a grand jury, **not that I’m afraid of making factual decisions on my own.**”<sup>72</sup>

Mr. Brown responding to a reporter’s question as to whether the case is a career-breaker or career-maker:

“Quite frankly, **I think my career has already been defined.**”<sup>73</sup>

An excerpt from an open letter by Mr. Brown to the *New York Times*:

**I am certain** that when our work is completed, its results, when fairly judged, **will justify the confidence that the residents of this city have placed in us.**<sup>74</sup>

*Just after the indictments (March 2007)*

A *New York Times* excerpt on a news conference after the indictments:

Richard A. Brown, the Queens District Attorney, said at a news conference early in the day that the **grand jury proceedings** were “**as thorough and complete as I’ve ever participated in.**”

**His office’s investigation**, he said, **drew in 100 witnesses and 500 separate exhibits.** He said the grand jury “**acted in the most responsible and conscientious fashion,**” and noted **that he could not recall** a grand jury that deliberated for three days on a case, as this one did.<sup>75</sup>

In the excerpts above, Mr. Brown commends his own conduct, as well as that of his own office and that of the grand jury. As discussed in the previous section, these laudatory remarks give insight into how the district attorney interprets the conduct of his office within an organic and historical framing of accountability and professionalism. In addition, these remarks give insight into the scope of his

reality. The reality concerning the office's performance is rigidly delimited by use of superlatives and dogmatic assertions, as in that the proceedings led by the district attorney are 'as thorough and complete as I've ever participated in', while they acted 'in the most responsible and conscientious fashion,' his performance 'has already been defined', he is certain he won't disappoint the 'residents of this city' who already have confidence in him, and he is not afraid to make decisions. Phrased differently, community confidence, as well as police accountability and professionalism are presented as definite, irreversible certainties.

By doing so, Mr. Brown ignores the reality of some residents of the city, who are not confident that the district attorney can be completely independent. It is for that matter important to note that, like the police commissioner, Mr. Brown sets his own conditions for accountability and professionalism, asserting that the confidence of the community can be maintained by thoroughness, carefulness, fairness and completeness, whilst ignoring issues such as co-dependence.

This reality is challenged throughout the aftermath of the Sean Bell shooting on numerous occasions. The DA's office often anticipates/responds to an atmosphere of criticism, in contrast to direct criticism, as pointed out in the previous subsection. The statements above can hence be seen as responses to reality challenges too, as all of the communication voiced by the office occurs during a prolonged period of criticism, and so can the following:

#### *Just after the shooting (November–December 2006)*

An excerpt from a *New York Times* biographical article on Mr. Brown:

It was the same procedure on Monday evening when Mr. Sharpton brought Mr. Bell's grief-racked relatives by and Mr. Brown explained the investigation process. He urged Mr. Sharpton "to tone down the level of rhetoric" lest the case take on the hysteria that accompanied the trial of the four officers who fatally shot Amadou Diallo, an unarmed Guinean immigrant. "I just don't want to see us fall into a trap where the rhetoric so prejudices the case that a fair trial cannot be provided for, if indeed it reaches that point." Mr. Brown said he sensed that Mr. Sharpton left the meeting "**confident that I'd go where the evidence led me, and that's certainly my intention.**"<sup>76</sup>

An official statement from the Queens DA's office, December 3, 2006:

There exists **no basis in law or in fact for the appointment of a special prosecutor**. I have **promised a** full, fair and thorough investigation — an investigation that **will be completed** as expeditiously as possible following which the evidence resulting therefrom will be presented to a grand jury. The investigation is moving forward as we speak. In the meanwhile, demands for the appointment of a special prosecutor are **neither helpful nor productive — nor are they in any respect justified.**<sup>77</sup>

#### *Just after the shooting (December 2006)*

A *New York Times* excerpt on law enforcement officials speaking about the investigative process:

Prosecutors are **still awaiting the results of ballistics reports from the police**, the official said, but they have begun contacting the lawyers for the five police officers who fired their

guns that morning and will most likely speak with the police officers themselves sometime in the next few weeks, possibly as early as next week.

Another law enforcement official said that the numerous interviews that have been conducted by officers in the Police Department's Internal Affairs Bureau have been tape recorded, so prosecutors have several hours of taped dialogue to review.

**"Our people want to listen** to the prior interviews," that official said. "Listen to them and go over them."<sup>78</sup>

While Mr. Brown in the first statement responds to a debate challenge, i.e. Mr. Sharpton's use of rhetoric, as discussed in the previous subsection, on a deeper level the district attorney also responds to the atmosphere of criticism by indirectly lauding his own performance ('confident that I'd go where the evidence led me'), thus reinforcing his own self-centered interpretative framing of his conduct, but also by proactively making personal promises. The delineation of debate and reality for that matter coincide, as he presents a part of the desired outcome of debate, i.e. a thorough investigation, as a rigidly delimited reality ('confident that I'd go').

In the second statement, Mr. Brown both responds to a debate and a reality challenge in a similar fashion, by proactively making promises ('promised'), by presenting the future as a fact ('will be completed'), by emasculating other truths as incredible, without real justification ('no basis in law or in fact for the appointment of a special prosecutor', 'nor are they in any respect justified'), and by conveying references to the effects of such realities ('neither helpful nor productive').

Similarly, in the third statement, the prosecutors are not just safeguarding their desired means of debate, but also their reputation (their reality and desired outcome of debate). The prosecutors respond to this reality challenge in the same way as to the debate challenge, i.e. by factually stating the steps they are taking, and by showing how external factors prevent them from moving forward. Moreover, the reality held by the office is reinforced ('our people want to listen'). Only in the second statement does the DA's office acknowledge the criticism concerning its conduct.

The following reality challenge is a direct one, as Mr. Brown responds to a critical editorial by Bob Herbert in the *New York Times*. Both the editorial and the response are displayed below:

### ***Just after the shooting (December 2006)***

An excerpt from a *New York Times* editorial by Op-Ed columnist Bob Herbert:

I don't know whether the undercover cops who shot and killed Sean Bell and wounded his two friends should be criminally indicted. I wasn't there and not enough information has emerged publicly to make a determination.

What I do know is **that the investigation of this shooting in Jamaica, Queens, in which the victims were unarmed and seemed to have no intention of threatening the police, is not being conducted in a timely or effective fashion.**

While the local community is seething with anger over the shooting, there are investigators scrambling like mad to find dirt to throw on the victims and locate any evidence that might,

however remotely, tend to justify the shooting. But the authorities have not even asked the cops, who fired 50 bullets at the car with the three men inside, what happened. That is insane.

The office of the Queens District Attorney, Richard Brown, is leading the investigation into the shooting. **For procedural reasons that have to do with concerns about inadvertently conferring some degree of immunity on the officers, the DA has asked the Police Department not to interview the officers who shot at the car.**

**But the DA's office has been moving in super-slow motion on the case, and no one from that office has interviewed the cops, either. Mr. Brown told me yesterday that he has a tremendous amount of additional information to gather before his office attempts to speak to the cops. "I've got no business talking to these cops," he said, "until I know, or am reasonably satisfied, as to what the facts are."**

He said he hopes to speak to the officers next week, but he does not know when the matter might be presented to a grand jury. "You never go before a grand jury with a case," said Mr. Brown, "unless you've got all the T's crossed and the I's dotted."

**A veteran investigator told me yesterday that there have been several meetings in the DA's office about the Sean Bell case but that Mr. Brown and his top aides are not yet sure how to proceed.**

**The truth is that neither the Police Department nor the district attorneys in New York are equipped to properly investigate controversial police shootings. The prosecutors and the cops have a special, co-dependent relationship that exists around-the-clock, year-in and year-out.** They work together all the time on criminal cases and other matters. They view one another as members of a close-knit criminal justice family. They watch each other's backs.

**When cops are involved in shootings that may not seem justified, there is an instinctive institutional response from other cops and prosecutors to close ranks around the accused officers. The instinct is to protect them, not to indict them.**

[...] There is an inherent and apparently insurmountable conflict of interest at work when district attorneys investigate cases of alleged police brutality. **It's time for New York to face up to this. It's time to establish a truly independent office** — perhaps a special state prosecutor, or a permanent, fully staffed independent office at the district attorney's level — to investigate this type of police misconduct.<sup>79</sup>

December 11, 2006, open letter to the *New York Times*:

To the Editor:

Bob Herbert ("Waiting for Answers," column, Dec. 7) expresses his **impatience** with what he perceives to be **the pace of this office's investigation** into the shooting death of Sean Bell and the wounding of his two friends.

While **I recognize** Mr. Herbert's desire for quick answers — answers that are also being anxiously sought by Sean Bell's loved ones, his seriously injured friends and their families, the police officers involved and the community at large — **it simply cannot be allowed** to influence the pace of our investigation.

I have said that our investigation, which is active and continuing, **will be thorough and complete** and that our decisions **will be based solely on the law and upon the facts as we and the grand jury determine them to be. We will** follow the evidence wherever it leads us, and **we will reach no conclusions until all of the facts are in.**

**We will not, under any circumstances, rush to judgment.**

**While I understand Mr. Herbert's impatience** — which I know is shared by many others — **I cannot allow it to influence the thoroughness of our investigation.**

**I am certain** that when our work is completed, its results, when fairly judged, will justify the confidence that the residents of this city have placed in us.<sup>80</sup>

Richard A. Brown

Queens District Attorney

The editorial written by Mr. Herbert challenges the reality held by Mr. Brown in two ways. First, the author maintains that the investigation is not being conducted in a timely or effective fashion, and second, he argues that the office is not equipped to properly investigate controversial police shootings due to its 'co-dependent' relationship with the police.

Mr. Brown responds in different ways to this challenge. While he acknowledges ('I recognize') and agrees that the investigation is moving slowly, he provides clear arguments that aim to refute the perception that such a slow pace is negative. By doing so, the district attorney in fact explains his interpretative framing in regard to the office's own conduct, in which carefulness, thoroughness, completeness and fairness are more important than swiftness in action. In addition, he uses decisive, personal rhetoric ('it simply cannot be allowed', 'I cannot allow') to determine the scope of debate. Reality and debate challenges thus coincide. In his response, the district attorney also makes use of dogmatic assertions ('will') and other decisive language ('I am certain') concerning what he believes will and should happen.

While Mr. Brown does acknowledge part of the reality held by the police critics ('I recognize', 'While I understand Mr. Herbert's impatience'), he virtually ignores the second challenge concerning the partiality of the office and the need for an independent prosecutor. He only reinforces his held reality that the investigation is impartial by presenting the future as a fact ('will be based solely on the law and upon the facts as we and the grand jury determine them to be'). By doing so, he indirectly argues that the police critics' perception of a flawed system must be skewed, thus revealing the delimitation of his own reality and the dismissal of others.

Before the trial, the following quote can also be seen as an indirect response to criticism:

### ***In between the indictments and the trial***

A *New York Times* excerpt on the detectives' request for a judge instead of a jury:

"I think that it is stunning that these officers want to do everything but be accountable to the people they serve in Queens," Mr. Sharpton said. "Police should be accountable to the people they serve. It is interesting they would be accountable to people in another venue, but in Queens they do not want to face the people."



Mr. Brown, the district attorney, was less inflamed. **“Defendants have an absolute right under the law to have the case tried by a judge rather than before a jury,”** he said. **“Either way, I’m certain** that they will receive a **fair trial.**”<sup>81</sup>

While the above excerpt foremost reflects a debate challenge, Mr. Brown also anticipates/answers to the atmosphere of criticism, by presenting the notion of fairness as an incontrovertible fact (‘I’m certain’), thus indirectly refuting criticism.

After the acquittals, the Queens DA’s office also makes a few statements that can be seen as responses to an atmosphere of criticism, as the following quotes show:

***Just after the acquittals (April 2008)***

A *New York Times* excerpt on Mr. Testagrossa’s reflections on the trial:

**“It’s very easy for people** who are observing the trial to say, ‘Gee, you called this witness, and not this witness,’” he said. **“If you think that criticism could have made us work any harder,** be more **committed** to obtaining a conviction in this case, then you had a right to criticize us. **But the fact of the matter is, knowing how hard all of the members of this team worked, the criticism meant nothing.**”

Then he quoted one of his own witnesses, a stripper who appeared early in the trial: **“It is what it is.”**<sup>82</sup>

*New York Times* excerpts on Mr. Brown speaking about the trial and verdict:

The Queens District Attorney, Richard A. Brown, said that Friday’s verdict should not be taken as an acquittal of serious management weaknesses that he believes led to the Bell shooting.

“To the contrary,” Mr. Brown said, the trial **“revealed significant** deficiencies in, among other things, supervision, tactical planning, communications and management accountability — insufficiencies that need to be addressed.”

He noted that a special panel set up by the Police Department after the shooting of Mr. Bell recommended 19 changes in undercover operations. “Virtually all of them had Sean Bell written all over them,” Mr. Brown said. He said he had called Mr. Kelly to volunteer his office’s help.<sup>83</sup>

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Mr. Brown, the district attorney, said he accepted the verdict, calling Justice Cooperman “one of this county’s **most respected and learned jurists.**”

“I accept his verdict and I **urge** all **fair-minded** individuals in this city to do the same,” he said.

**He was asked if, in hindsight, he had any misgivings about the reading of the grand jury testimony of the three detectives from 2007 into the record during the trial. The readings were widely seen as something of a coup for the defense, with the detectives’ accounts of the panic and uncertainty surrounding the shooting coming across without the detectives having to undergo cross-examination.**

“That was a trial decision that was made, **I think appropriately** made,” Mr. Brown said.<sup>84</sup>

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In a statement after the verdict, **Mr. Brown ran down a list of statistics from the trial: 28 days, 60 witnesses, 900 exhibits, a transcript that ran 5,400 pages.** While he made no mention of the strategy his office had pursued at trial, he said it was essential to continue **the “public debate” that the case had brought** about “through passionate and reasoned argument.”<sup>85</sup>

In the first statement, Mr. Testagrossa responds to criticism concerning how his team prosecuted the case. In his response, he does not acknowledge the reality held by these critics that the quality of the prosecution was poor. Instead, he describes his own reality of commitment and hard work, while maintaining that criticism is not therefore possible. In other words, the criticism itself is altered to fit within the scope of the reality held by the prosecutor. In addition, the prosecutor maintains that critics do not understand the reality held by the Queens DA’s office (‘It’s very easy for people’), thus denouncing the criticism of this group (‘the criticism meant nothing’). As a final point, the prosecutor maintains that ‘It is what it is’, in fact showing ‘fact determinism’ as opposed to the earlier discussed ‘process determinism’. By doing so, the prosecutor reveals the rigid delimitation of his own reality, while refuting the reality as perceived by others.

In the second statement, Mr. Brown responds to the atmosphere of criticism as well as to the criticism in the *New York Times* article by reinforcing the rigidly defined reality concerning the conduct of judicial stakeholders and the process of debate. He does so by focusing on what the trial has brought forth (‘the trial revealed significant deficiencies in’, ‘the “public debate” that the case had brought about’), but also by emphasizing the effort put into the prosecution (‘Mr. Brown ran down a list of statistics’). By doing so, the district attorney both defends the self-centered desired outcome of debate to come out of the investigation with his reputation intact, as well as delimiting the reality concerning that reputation as impeccable.

Mr. Brown uses a superlative (‘most’) and a dogmatic assertion (‘is’), to laud Judge Cooperman. The DA does suggest that his reality might not be universal (‘I think’), but does not expound on this.

As a final point, it is interesting to look at how the notions of ‘us’ and ‘them’ are used in the communication by the Queens DA’s office, and specifically how they pertain to the reality held by the office and those of other stakeholders. While the office does not distinguish between personalized ‘us’ perceptions and depersonalized ‘them’ perceptions, and moreover, does not interpret the interaction between ‘us’ and ‘them’ within a historical and organic framing, they do make a distinction between the realities held by them and others, as some of the analysis above demonstrated. The following quotes give insight into how ‘us’ is distinguished from ‘them’, and which values are attributed to each group:

### *Just after the shooting (November 2006)*

A *New York Times* excerpt on Mr. Brown explaining the investigative process conducted by the DA's office:

“**They** didn’t hear what it is perhaps they wanted to hear, that it would be immediately presented to a grand jury and that we would immediately seek an indictment,” he said. “There is just a great deal of work that needs to be done before we can make any judgments with respect to where we’re going.”<sup>86</sup>

A *New York Times* excerpt on the focal points in the investigation:

One of the issues the district attorney is considering, the official in Mr. Brown’s office said, is at what point a mistake by police officers becomes a criminal act. The answer, prosecutors say, is more complicated than a **layman** might expect, because state law gives police somewhat more latitude in using deadly force than it gives civilians.<sup>87</sup>

### *In between the indictments and the trial*

A *New York Times* excerpt on the prosecutors response to the detectives’ request for a venue change:

“Defendants’ portrayal of the media coverage of this case is **seriously skewed**,” Assistant District Attorney John M. Castellano wrote in the motion. Mr. Castellano said that prosecutors planned to call more than 50 witnesses who would be, at the least, inconvenienced by a change of venue, and that a change “may significantly impede the proceedings.”<sup>88</sup>

These quotes show how the Queens DA’s office sees ‘them’ in two different ways. First, the general public is portrayed as ‘laymen’ who do not fully understand the complex judicial reality held by ‘us’. Second, ‘them’ also comprises the defendants, who have a ‘seriously skewed’ conception of reality. This, in turn, also gives insight into how the DA’s office sees ‘us’. More specifically, ‘us’ is narrowly defined as the office itself, as well as, to a certain degree, the professional group of prosecutors. Conversely to ‘them’, ‘us’ is a group of knowledgeable and objective experts.

### **Summary**

The Queens DA’s office constructs and conveys a (mostly) single and rigidly defined stakeholder-observant yet self-centered version of the truth concerning the shooting, based on the law and on facts that are solely determined by the office, while rigidly excluding emotions and broader framings held by other stakeholders. The office’s (‘us’) truth both falls within but also stands apart from the polarized and prejudiced truths of other stakeholders (‘them’).

The office’s reality concerning the aftermath of the shooting, and in particular that in regard to its own conduct, is delimited by the presentation of definite, irreversible certainties regarding community confidence, and the office’s accountability and professionalism, while largely excluding the reality held by police critics with respect to independence, and to a lesser extent the pace of the investigation and the quality of the ensuing trial.

Strategies used to delimit the scope of reality include the presentation of clear arguments based on the office's interpretative framings; the elaboration of the process of investigation and lauding the outcome; the presentation of a rigidly defined reality in regard to the performance of the office, thus reinforcing its own self-centered interpretative framing regarding conduct; the emasculation of other realities by labeling them as incredible and the people holding these realities as narrow-minded; the delimitation of the notion of fairness by presenting it as an incontrovertible fact; the presentation of personal yet exclusive views; the use of dogmatic assertions, superlatives, and convincing, emphatic and unambiguous vocabulary underlining certainties but also what the office believes will and should happen; the use of decisive, personal rhetoric to determine the scope of debate; the misinterpretation of criticism in order for it to fit within the scope of the reality held by the office; the emphasis on the unique expertise of the office; the making of promises in regard to future conduct and the safeguarding of the process; and finally the display of fact determinism.

However, the DA's office also conveys conciliatory communication, such as the acknowledgement of segments of the reality held by police critics, and the suggestion that the reality concerning its own conduct might not be universal. The latter is mainly done in response to the judge's verdict. In the main, the office does not elaborate in the *New York Times* on the criticism that it is not independent from the police. Conversely, it usually responds to process challenges.

### **5.3.3 The driving force of debate, the character of communication, and 'multiple hues of communication'**

As in Chapter 4, Part II, it is not necessary to discuss separately the three remaining elements that make up the positioning held by the Queens DA's office, i.e. the driving force of debate, the character of communication means, and existing conciliatory communication. These elements will be combined in this brief subsection.

To start with the driving force of debate, the analysis so far has shown how the response of Queens DA's office is both factual and judicial. However, not only are the responses driven by facts and by laws, they are also driven by processes, i.e. the investigation it is conducting, and after that by the prosecution of the trial. The responses are thus fact-, law- and process-driven. Moreover, facts, laws and processes also function as filters, as each new development is assessed from a factual, judicial and procedural perspective. This can be seen as spontaneous discourse, but also as deflective PR discourse, aimed at delimiting debate and reality, similar to the NYPD's communication. To a lesser extent, the response of the Queens DA's office is also driven by the agenda-setting approach of police critics, as the office, like the Police Department, is faced with the magnitudinal images and the passionate oratory deployed by police critics, as well as by the critical questions regarding its conduct. Whereas the DA's office is proactive in regard to the investigation and the ensuing trial, it is reactive in regard to criticism from police critics.

The character of communication is not as easy to define as it is with other stakeholders. It shows resemblances to, but also differences from, both that of police critics and the NYPD. There is also a difference in communication means used before the trial and during the trial, and in regard to the shooting on the one hand, and the shooting's aftermath on the other.

In his conception of what happened on the night of the shooting, the Queens DA does not deploy harsh communication means before the trial. During the trial, the tone of voice is harsher and the choice of language more emphatic, but never reaches the level of the zealous oratory deployed by police critics, and moreover, does not include strategies such as name-calling, personally addressed attacks, ridiculing, use of irony, and so forth. The prosecutor does not deliberately shield himself from realities held by other stakeholders, as police critics do, yet he does question the trustworthiness of attorneys and defendants.

In response to questions on the office's handling of the case, the communication means resemble much more those used by the NYPD. More specifically, the office also profoundly lauds its own conduct (and thus implies that the perceptions of police critics must be skewed), and moreover, addresses broader issues (such as the 'subjective' relationship a district attorney has with the Police Department), by focusing on process. Yet the communication means deployed by the Queens DA's office are far less evasive than those of the NYPD. All of these methods can be seen as spontaneous discourse, but they are also typical of strategic PR discourse aimed at safeguarding the desired outcome of debate and the reality held by the office.

It is also hard to pinpoint the extent of conciliatory discourse in the communication deployed by the DA's office as it is less clear with whom the office needs to seek coalition than it is for other stakeholders. In fact, it depends on the topic. The office does, at a certain point, seek coalition with the reality held by the judge on the shooting. However, the reality held by police critics on the conduct and co-dependence of the office is not understood, and often not even acknowledged. The scope of debate consists of conciliatory elements too, as the DA's office shows much more proactivity than the NYPD does.

### **5.3.4 Conclusion**

This section has demonstrated how the positioning of the Queens DA's office at first glance resembles that of the NYPD, in that it has rigid elements, and is characterized by factuality and process. In addition, it is akin to that of the mayor, i.e. in the delineation of debate and reality, the office focuses on other stakeholders.

Yet this mix itself, as well as the difference in positioning before the trial and during the trial, makes the positioning of the DA's office unique, resulting in a stakeholder-observant, partially delimited, variably centered, process- and fact driven positioning.

The variable-centered positioning can be found in the dual-layered desired means of debate, which focuses on both the stake of stakeholders and on that of the office itself, but also in the personal responsibilities towards other stakeholders (all captured in ‘doing the right thing’), and on the analysis of the realities held by others.

The variable rigidity within the positioning of the Queens DA’s office characterizes itself by both the broadly and narrowly delimited notions of fairness, the presentation of a single version of the truth in regard to the shooting and the office’s conduct in the handling of the prosecution at large, the rigid exclusion of emotions and broader framings held by other stakeholders, and the harsher and milder means of communication.

Process and facts, but also the police critics’ powerful agenda-setting perceptions and positioning, function as the driving force of debate. In addition, process and facts serve as a filter through which actions are perceived, assessed, and responded to.

All of this results in a different kind of ‘us-versus-them’ positioning, in which an impartial, capable and knowledgeable ‘us’ decides on ‘the law and the facts’, while the reality of ignorant and prejudiced others is negatively valued and — to a large extent — purposely not taken into account. The stakeholder-observant positioning for that matter only barely seeks common ground with other realities or desired outcomes of debate.

Location and time are factors that influence the positioning of the Queens DA’s office. Before the trial, the office focused on its scope of debate and reality with regard to the aftermath of the shooting. During the trial, this focus shifted to the shooting itself.

## 5.4 Judge Arthur Cooperman

Judge Arthur Cooperman's communication on the Sean Bell case occurs at only one moment in the aftermath of the debate, i.e. by his reading of the verdict. Although of course the judge does speak during the trial too, these remarks are not covered in the *New York Times*. It is hence not possible to analyze historical dynamics in the communication conveyed by the judge. Moreover, 'reality and debate' challenges do not really occur, as the judge only speaks out once, and thus is not in debate. Due to this specific nature of the discourse, it makes sense to analyze the judge's full statement at once, in order to highlight organic synergies as opposed to dynamic changes in the discourse.

Judge Arthur Cooperman issued the following statement on April 25, 2008:

"Before dealing with **the business at hand**, I would like to remind everyone how important it is to honor the decorum of the court and **remain quiet after the verdicts are rendered**.

**A trial is defined as a formal examination of the facts of a case by a court of law to decide the validity of a charge.** It is also defined in the dictionary as a hardship. **And, in many ways, this trial was a hardship.**

**But, it was not a competition. To overreact to the outcome while you are in this courtroom, whether you are satisfied or dissatisfied with the result, would detract from the great effort that was expended to assure a fair trial — by the court personnel and the attorneys who handled their responsibilities with the highest level of professionalism and skill.**

Because establishments known as '**strip clubs**' **often generate criminal activity** including prostitution and narcotics, the police dept. club enforcement unit was given the task of infiltrating such places and pursuing violations of law that would lead toward shutting them down.

So it was that the detectives charged in this case found themselves in the vicinity of Club Kalua in the early morning of Nov. 25, 2006. And as a result of **the events of that morning**, they are accused of the crimes alleged in the indictment.

Now, after eight weeks of trial, this court has the responsibility of making a determination of guilt or lack of guilt as to each of the charges set forth against each of the defendants.

**As the trier of fact**, this court must **determine what the facts are, apply those facts to the applicable law**, and render a verdict.

The court will do so. But before announcing a decision, a brief statement is in order. In weighing the evidence, the court examined the testimony of the witnesses and the factors to be considered in determining **credibility**.

**An objective consideration of the proof ruled out sympathy and prejudice and any other emotional response to the issues presented. The court did not view the victims or the NYPD as being on trial here.**

The burden of proof was on the people to prove each defendant guilty of the crimes of which he was charged, beyond a reasonable doubt. And as with all criminal cases, each defendant was presumed to be innocent.

Because justification was raised as an issue, the people had the burden of proving as an element of each charged crime that each defendant was not justified.

It is important to note that in analyzing what happened here, **it was necessary to consider the mind-set of each defendant at the time and place of occurrence, and not the mind-set of the victims.** What the victims did was more pertinent to resolving the issues of fact than what may have been in their minds.

Also, **carelessness and incompetence** are not standards to be applied here, unless the conduct rises to the level of criminal acts, as defined by the law relating to each count charged.

**What happened outside the Club Kalua on November 25, 2006, and the ensuing incident that occurred around the corner on Liverpool Street** are the two significant **events** about which proof was elicited.

We instruct juries that it is expected that multiple witnesses to the same event may vary in their recounting of minor aspects of what had been observed. However, where there are significant inconsistencies related to important facts, they should be considered.

**Reference was made earlier to the credibility of witnesses. The court has found that the people's ability to prove their case beyond a reasonable doubt was affected by a combination of the following factors: the prosecution witnesses' prior inconsistent statements, inconsistencies in testimony among prosecution witnesses, the renunciation of prior statements, criminal convictions, the interest of some witnesses in the outcome of the case, the demeanor on the witness stand of other witnesses and the motive witnesses may have had to lie and the effect it had on the truthfulness of a witness's testimony. These factors played a significant part in the people's ability to prove their case beyond a reasonable doubt and had the effect of eviscerating the credibility of those prosecution witnesses. And, at times, the testimony just didn't make sense.**

Yet, it was apparent from the testimony of the participants that the confrontation that took place in front of the club was **heated**. The SUV owner, Fabio Coicou, **gave the impression that he had a gun**, causing at least one of the group to **threaten** to take it away from him. And, the court finds, another **threat** was made by Joseph Guzman to retrieve a gun. At that point, nothing of a criminal nature had taken place. But, having witnessed that **provocative confrontation** between Mr. Coicou and the group, the undercover officers became concerned and followed the group around the corner to Liverpool Street.

Defendant Isnora approached the Nissan Altima into which Mr. Guzman and Sean Bell, two of the more active participants in the **heated exchange**, entered.

The Altima, which was driven by Mr. Bell, **sped away** from its parked position, struck defendant Isnora and collided head on with the police van that had entered Liverpool Street. The Altima then went into reverse, backed up on to the sidewalk, **struck** a gate and then went forward and to the right, striking the police van again. As this was happening, defendant Isnora — who testified in the grand jury — observed Mr. Guzman, the front passenger, **move his body as if he were reaching for a weapon. Defendant Isnora yelled, "gun" and fired. Other officers, indicted and unindicted, joined in from different locations on the street. The court has found that the incident lasted just seconds. The officers responded to perceived criminal conduct; the unfortunate consequences of their conduct were tragic.**

The police response with respect to each defendant was not proved to be criminal, i.e. beyond a reasonable doubt. Questions of **carelessness and incompetence** must be left to other forums.



Although there were aspects of defense testimony that were not necessarily credible, the focus must be on the people's proof to determine whether they have satisfied their burden of proving the defendants guilty beyond a reasonable doubt.

To the extent that the defense of justification was applicable to the charged crimes, counts 1, 2, 3, 4 in part, 5 in part, 6, 7, and 8, the people have not proved, beyond a reasonable doubt, that each defendant was not justified in the actions that each took.

With respect to counts 4 and 5, Trent Benefield, **whose credibility was seriously impeached**, testified that he was shot while running down Liverpool Street. Forensic evidence demonstrated otherwise. Thus, although the justification defense would not have applied to that aspect of counts 4 and 5, it was not proved beyond a reasonable doubt.

Accordingly, the court finds each defendant **not guilty** of each of the respective counts in the indictment of which they were charged.”<sup>89</sup>

In general, the communication conveyed by the judge comprises both non-descriptive and descriptive perceptions. To start with the former, the judge speaks about the totality of the shooting in rather evasive terms (‘the business at hand’, ‘the events of that morning’, ‘What happened outside the Club Kalua on November 25, 2006, and the ensuing incident that occurred around the corner on Liverpool Street’, ‘events’). By doing so, the judge conveys a rather nondescript, evasive and non-magnitudinal image of the Sean Bell shooting in its totality.

The more descriptive perceptions, in turn, do not focus on magnitudinal aspects of the shooting. The word ‘shooting’, for example, does not occur in his statement, nor does the judge focus at any point on the amount of shots fired. The discourse is thus not in line with the ‘50 shots’ characterization perceived and conveyed by police critics. Even when the judge elaborates in his statement on the moment Detective Isnora started to fire his gun, he does not focus on the magnitude of the amount of shots fired after that (‘Defendant Isnora yelled, “gun” and fired. Other officers, indicted and unindicted, joined in from different locations on the street’). The word choice ‘joined in’ is an evasive understatement for that matter. Conversely, this sentence — as well as the judge’s description of the events leading up to the shooting — is in line with the police defenders’ perception of what happened as ‘a matter of seconds’. Not only does the judge focus on the short time frame in which the shooting took place (‘The court has found that the incident lasted just seconds’), he also describes the danger and chaos felt by the officers (‘“strip clubs” often generate criminal activity’, ‘gave the impression that he had a gun’, ‘move his body as if he were reaching for a weapon’, ‘The officers responded to perceived criminal conduct’). The judge underlines these perceptions by using emphatic word choice that highlights danger and chaos (‘heated’, ‘threat’, ‘provocative confrontation’, ‘threaten’, ‘heated exchange’, ‘sped away’, ‘struck’, ‘yelled’). Judge Cooperman for that matter provides a three-dimensional picture of how the detectives experienced the shooting, but does not do so for Sean Bell or the other victims of the shooting: a deliberate choice, as will be discussed below.

Although the judge refers to the victims by using their names, he does not use the name Sean Bell as a label. On no occasion does he identify, personalize or show sympathy for Sean Bell. Moreover, the judge does not focus on the victimization felt by the victims, or police critics in general, in the way that that group does. Although he refers to the notion of ‘suffering’ on two occasions, he does so in a way similar to that of police defenders (‘And, in many ways, this trial was a hardship’, ‘the unfortunate consequences of their conduct were tragic’). More specifically, by using words such as ‘hardship’ and ‘tragic’ in an unattributed and universal manner (similar to the notion of ‘tragedy’ as discussed previously), and by using understatements such as ‘unfortunate’, the judge plays down the culpability of the officers.

In fact, on no occasion does the judge convey perceptions that emphasize culpability in the judicial sense of the word (such as references to the amount of shots fired), which is in line with the ‘not guilty’ verdict. Yet, in a broader sense, the judge does convey value-based perceptions on the conduct of the implicated officers. He does so by referring twice to ‘carelessness and incompetence’, subtly alluding to the fact that he might hold such perceptions in regard to the conduct of the officers, and that the officers might be culpable in a different venue.

In a broader sense, the judge subtly conveys his perceptions of both police defenders and police critics. More specifically, by explicitly ordering people to ‘remain quiet after the verdicts are rendered’, by suggesting that people can ‘overreact’ and by saying he ‘ruled out sympathy and prejudice and any other emotional response to the issues presented’ he perceives the actions of these stakeholders from a stakeholder-observant perspective. By doing so, he perceives police defenders and police critics as overreacting, emotional, and polarized.

The judge also subtly conveys self-perceptions in the statement above concerning objectivity (‘the trier of fact’, ‘An objective consideration of the proof’) and professionalism (‘the court personnel and the attorneys who handled their responsibilities with the highest level of professionalism and skill’). For that matter, the judge conveys similar self-perceptions as the Queens DA’s office and the NYPD concerning the proper conduct of himself and other judicial stakeholders. Judge Cooperman clearly conveys that he interprets the shooting from a narrow judicial and factual perspective, i.e. by ‘determining what the facts are’ and applying ‘those facts to the applicable law’. Within the judge’s framing, there is no room for non-judicial standards such as carelessness and incompetence, and moreover, the shooting should be interpreted from the vantage point of the implicated officers and not that of the victims (‘it was necessary to consider the mind-set of each defendant at the time and place of occurrence, and not the mind-set of the victims’). Within this framing, the conduct of the officers is judged to be not criminal. He does not refer to any historical patterns, nor does he look at broader organic patterns such as police misconduct and racial injustice (‘The court did not view the victims or the NYPD as being on trial here’). However, the judge does

suggest that the officers' behavior is a deviation from normal and proper police conduct in regard to care and competence.

The judge similarly interprets the aftermath of the shooting from a narrow judicial and factual interpretation. For that matter, he does not elaborate on other events that took place after the shooting. Although he speaks of 'hardship', which could refer to broader patterns of suffering too, he links the word to 'this trial', thus delimiting its scope. The roles of other stakeholders, in turn, are only subtly referred to in a limited fashion. More specifically, by purposely ordering people to 'remain quiet after the verdicts are rendered', by suggesting that people can 'overreact', and by saying he 'ruled out sympathy and prejudice and any other emotional response to the issues presented', the judge not only conveys his perceptions of police critics and police defenders, he also interprets the aftermath of the shooting from a stakeholder-observant perspective, placing the roles of different stakeholders in court in a broader organic framing of polarization outside of the court.

The judge does interpret his own role and that of the court in the debate ('the trier of fact', 'a trial is defined as a formal examination of the facts of a case by a court of law to decide the validity of a charge') but these roles, again, are by nature judicial and factual, and thus fall within the narrow interpretative framing held and conveyed by the judge.

On no occasion does the judge speak of his desired outcome of debate. In fact, he opposes such an outcome, by stressing that the trial 'was not a competition'. He only speaks of his desired means of debate, which, thus, can be seen as a desired outcome too. The desired means of debate, in turn, is in line with the interpretative framing, and can be summarized as the 'weighing of facts to assure a fair trial'. As the judge only speaks out on one occasion, his desired means/outcome of debate is not challenged in the way it is for other stakeholders. However, the judge does suggest that the narrow judicial desired means of debate was challenged by other stakeholders throughout the trial ('hardship', 'To overreact to the outcome while you are in this courtroom, whether you are satisfied or dissatisfied with the result, would detract from the great effort that was expended to assure a fair trial'). He responds to these challenges, by subtly describing them and by shifting focus to the trial again ('would detract from the great effort').

The scope of reality is similarly delimited by the narrow judicial perspective. Throughout the statement, the judge uses dogmatic assertions to construct one single version of the truth as to what happened on the night of the shooting. Similarly, he uses such assertions, as well as emphatic and unambiguous language, in regard to the court's and his own conduct and that of other judicial stakeholders ('the trier of fact', 'an objective consideration of the proof', 'the highest level of professionalism and skill'), thus delimiting the reality concerning the judicial stakeholders' performance. He ignores the reality held by police critics on the magnitude of the shooting and the broader historical and organic framings of police misconduct and racial injustice completely. He does not speak of 'us' and 'them'. However, he does see the court and himself as a unique entity that is

able to seek the truth ('the trier of fact'), as opposed to 'overreacting'. He also points out that other stakeholders do not embrace such objectivity, and moreover tend to 'overreact'. For that matter he does not embrace a panoptic all-encompassing 'us' reality, but instead a polarized reality, from which the judge distances himself from a stakeholder-observant perspective.

The communication means used to convey his perceptions, interpretations, and positioning include on the one hand clear, upfront non-emotional rhetoric aimed at explaining the task of the judge and the rendered verdict, and on the other hand more subtle, descriptive and non-descriptive rhetoric that supports this verdict more indirectly, but also hints at broader interpretations, while safeguarding the desired means of debate. However, what is also important is what the judge refrains from saying: he ignores a large part of the reality held by police critics, as it does not fit within the limited interpretative framing set out by the judge.

It is hard to distinguish a 'driving force of debate', as the judge is not 'in debate' in a way other stakeholders are, and does not react to events in the aftermath of the shooting. More narrowly, the driving force of Judge Cooperman is the weighing of facts.

In the communication deployed by the judge there is no 'other side of the coin'. Reasons for this include the limited amount of discourse, but also the consistent nature of the available discourse. Moreover, the judge does not seek conciliation with any stakeholder, and he does not seek conflict with them either — he merely renders a verdict.

## 5.5 Conclusions and outlook

This chapter has analyzed the perceptions, interpretations, and positioning held, maintained, constructed and conveyed by the judicial stakeholders in the debate, i.e. the Queens DA's office led by Mr. Brown on the one side and Judge Arthur Cooperman on the other.

The overall nature of the communication conveyed by both entities is harder to describe than that of previous stakeholders, not only due to the bipartite nature of the discourse and other pitfalls described in the introduction to this chapter, but also because the discourse of the Queens DA's office is simply less consistent, and at times more intricate than that of other stakeholders. This results in less profound labels, interpretations and positioning.

Nevertheless, there are certain characteristics that stand out. The communication of the DA's office can be characterized as proactive, judicial, variably centered, partially delimited, self-praising, fact- and process-oriented, and stakeholder-observant.

The stakeholder-observant nature of the communication manifests itself in the low level of identification and emotion within the conveyed perceptions of both victims and defendants; the comprehensive analysis and evaluation of other stakeholders' interpretations; the presentation of a polarized reality from which the office distances itself, and ultimately the 'us-versus-them' schism, in which an impartial, capable and knowledgeable 'us' is set against a prejudiced, emotional and ignorant 'them'.

The self-centered elements of this communication include the large amount of self-perceptions ('thoroughness', 'carefulness', 'fairness', 'completeness' and 'hardship'); the narrow judicial framing of both shooting and aftermath, in which the personal stake and function of the DA's office play central roles; the dual-layered desired outcome of debate (i.e. 'doing the right thing'); and the rhetorical focus on 'I' and 'we'.

The stakeholder-centered elements of the communication can also be found in the dual-layered desired outcome of debate (i.e. 'doing the right thing'); the proactive promises made to other stakeholders, and the focus on personal responsibilities towards other stakeholders.

Rigid elements include the unambiguous perceptions of the shooting conveyed during the trial; the interpretative framing on the shooting, in which only the law determines at what point a mistake by police officers becomes a criminal act and only the facts of the case determine whether there was any racial motivation; the presentation of a single version of the truth in regard to the shooting and the office's conduct in the handling of the prosecution at large, including the presentation of community confidence, police accountability and professionalism as definite, irreversible certainties; and the rigid exclusion of emotions and broader framings/realities held by other stakeholders. These rigid elements, in turn, ultimately lead to an 'us-versus-them' schism, in which 'us' decides on 'the law and the facts', while the reality of 'them' is negatively valued but — to a large extent — purposely not taken into account.

In turn, the communication also contains more flexible elements, such as the acknowledgement of segments within the reality held by police critics, the suggestion that the reality concerning its own conduct might not be universal, and the universality of the notion of fairness.

Time and location are important aspects in the communication conveyed by the DA's office. While the discourse prior to the trial tends to focus on the aftermath of the shooting, the discourse in the courtroom concentrates on the shooting itself. Moreover, the discourse is much more emphatic and emotional in court, as opposed to the nondescript, evasive and judicial discourse prior to the trial. The discourse prior to the trial can be explained from a strategic communication perspective, while the discourse during the trial is much more judicial in nature.

The communication conveyed by the Queens DA's office on the shooting thus shows resemblances to, but also deviates from, those of both the NYPD and the police critics.

First, while the Queens DA's office in a way sees itself as similar to the NYPD, i.e. a professional and stable entity that is on top of the process, and it defends its conduct in a similar, rigid way, the office is also much clearer, argumentative and more proactive in its communication to the public, as the extensive list of communication means has shown.

Second, while the DA's office has a stake in the debate similar to that of the police critics, i.e. a successful prosecution, the office's desired outcome of debate is more broadly delimited and the means of debate are more rigidly defined. Moreover, the DA's office holds a different interpretation of the shooting, in which it interprets far less negatively the conduct of the officers as a deviation from a broader organic pattern of behavior that is in line with socially accepted values concerning how the police should behave. On a rhetorical level, the passionate oratory and the overall level of harshness in the communication of the police critics is never met.

Judge Cooperman's communication is similar to that of the Queens DA's office, in that it is also stakeholder-observant, self-praising and marked by a similar delimitation of the interpretative framing concerning both shooting and aftermath, by the focus on the desired means of debate, and by 'one single version of the truth'. However, the truth in regard to the shooting itself is different, leading to a different verdict. This difference is due to a different explanation of the law, and that the judge does not venture into the reality held by police critics at all.

How have the perceptions, framings and positioning held, constructed and conveyed by the judicial stakeholders — either negatively or positively — influenced the process of debate that ensued after the Sean Bell shooting? While the communication conveyed by the Queens DA's office is more geared towards open communication than that of the NYPD, certain elements could have a detrimental effect on the outcome of debate. More specifically, the self-centered elements in the desired outcome of debate held by the DA's office, the rigidly defined reality concerning personal conduct, the limited acknowledgement of criticism, and the deflective communication means used to thwart that criticism, could be unproductive, and even have a negative effect. In turn, the fact that

Judge Cooperman does not show understanding for the reality of police critics could have a similar negative effect.

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<sup>1</sup> Sewell Chan, "Bloomberg Meets With Family of Young Queens Man Killed by the Police," *New York Times*, sec. B, November 29, 2006.

<sup>2</sup> Robin Finn, "A Prosecutor's Job: Explaining the 'Inexplicable'," *New York Times*, sec. B, December 1, 2006.

<sup>3</sup> Bob Herbert, "Waiting for Answers," Op-Ed, *New York Times*, sec. A, December 7, 2006.

<sup>4</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.

<sup>5</sup> Michael Wilson, "Trial of Officers in 50-Shot Case Opens with Speed and Emotion," *New York Times*, sec. A, February 26, 2008.

<sup>6</sup> Michael Wilson, "Survivors of 2006 Police Shooting are Set to Testify," *New York Times*, sec. B, March 31, 2008.

<sup>7</sup> Michael Wilson, "Ranking Officer Expected to Testify about Sean Bell's Killing," *New York Times*, sec. B, February 28, 2008.

<sup>8</sup> Michael Wilson, "Barrage of Bullets into Bell's Car is Outlined," *New York Times*, sec. B, March 18, 2008.

<sup>9</sup> Michael Wilson, "Sean Bell Case Goes to Judge After 7 Hours of Angry Closing Arguments," *New York Times*, sec. B, April 15, 2008.

<sup>10</sup> Robert D. McFadden, "Police Kill Man After a Bachelor Party in Queens," *New York Times*, sec. 1, November 26, 2006.

<sup>11</sup> William K. Rashbaum and Cara Buckley, "Lawyers Call 2 Detectives in Fatal Shooting Most Vulnerable to an Indictment," *New York Times*, sec. B, March 14, 2007.

<sup>12</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.

<sup>13</sup> Michael Wilson, "Judge Acquits Detectives in 50-Shot Killing of Bell," *New York Times*, sec. A, April 26, 2008.

<sup>14</sup> Sewell Chan, "Bloomberg Meets With Family of Young Queens Man Killed by the Police," *New York Times*, sec. B, November 29, 2006.

<sup>15</sup> Robin Finn, "A Prosecutor's Job: Explaining the 'Inexplicable'," *New York Times*, sec. B, December 1, 2006.

<sup>16</sup> Al Baker and William K. Rashbaum, "Man Wounded in Queens Shooting Leaves the Hospital," *New York Times*, sec. B, December 6, 2006.

<sup>17</sup> Bob Herbert, "Waiting for Answers," Op-Ed, *New York Times*, sec. A, December 7, 2006.

<sup>18</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.

<sup>19</sup> Some critics subtly question the neutrality of the Queens DA's office. See discussion in Part II, Chapter 7, Section 5.

<sup>20</sup> Robin Finn, "A Prosecutor's Job: Explaining the 'Inexplicable'," *New York Times*, sec. B, December 1, 2006.

<sup>21</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.

<sup>22</sup> Anemona Hartocollis, "Fatal Shootings by Police: Hard to Investigate, Even Harder to Prosecute," *New York Times*, sec. B, December 4, 2006.

<sup>23</sup> Bob Herbert, "Waiting for Answers," Op-Ed, *New York Times*, sec. A, December 7, 2006.

<sup>24</sup> Sewell Chan, "Bloomberg Meets With Family of Young Queens Man Killed by the Police," *New York Times*, sec. B, November 29, 2006.

<sup>25</sup> Richard A. Brown, "The Police Shooting and the Queens D.A." Open letter, *New York Times*, sec. A, December 11, 2006.

<sup>26</sup> Robin Finn, "A Prosecutor's Job: Explaining the 'Inexplicable'," *New York Times*, sec. B, December 1, 2006.

<sup>27</sup> Michael Wilson, "Sean Bell Case Goes to Judge After 7 Hours of Angry Closing Arguments," *New York Times*, sec. B, April 15, 2008.

<sup>28</sup> Anemona Hartocollis, "Fatal Shootings by Police: Hard to Investigate, Even Harder to Prosecute," *New York Times*, sec. B, December 4, 2006.

<sup>29</sup> Michael Wilson, "Sean Bell Case Goes to Judge After 7 Hours of Angry Closing Arguments," *New York Times*, sec. B, April 15, 2008.

<sup>30</sup> Sewell Chan, "Bloomberg Meets With Family of Young Queens Man Killed by the Police," *New York Times*, sec. B, November 29, 2006.

<sup>31</sup> Bob Herbert, "Waiting for Answers," Op-Ed, *New York Times*, sec. A, December 7, 2006.

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- <sup>32</sup> Richard A. Brown, "The Police Shooting and the Queens D.A." Open letter, *New York Times*, sec. A, December 11, 2006.
- <sup>33</sup> Al Baker, "Grand Jury Hears Evidence in Killing by Police," *New York Times*, sec. B, January 23, 2007.
- <sup>34</sup> Cara Buckley, "Diallo Verdict May Have Made Prosecutors Cautious," *New York Times*, sec. B, March 20, 2007.
- <sup>35</sup> Michael Wilson, "Detectives in Bell Case Want Trial Out of City," *New York Times*, sec. B, January 8, 2008.
- <sup>36</sup> Michael Wilson, "In Trial Over Police Killing in Queens, Focus May Be on First 2 of 50 Bullets," *New York Times*, sec. B, February 22, 2008.
- <sup>37</sup> Robin Finn, "A Prosecutor's Job: Explaining the 'Inexplicable'," *New York Times*, sec. B, December 1, 2006.
- <sup>38</sup> Richard A. Brown, "The Police Shooting and the Queens D.A." Open letter, *New York Times*, sec. A, December 11, 2006.
- <sup>39</sup> Ellen Barry and Colin Moynihan, "Three Detectives Plead Not Guilty," *New York Times*, sec. B, March 20, 2007.
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## Analysis for Chapter 6: The media

While other stakeholders are actively involved in the public debate by making statements in the newspapers and on TV, the media, conversely, function as intermediary stakeholders, who channel, disseminate, but also transform the original communication. The nature of the media's communication is hence distinctive. Moreover, the media's 'stake' in the debate is remarkably different from that of other stakeholders, as the process and outcome of debate do not affect them in the same way as they affect those attacking or defending the police. On the other hand, the media still influence the process of debate, as they hold and convey perceptions and interpretations and, moreover, position themselves not only in their editorials or in their analysis of news, but also in their selection of news, facts and quotes as well as in their choice of rhetoric in the day-to-day reporting of the Sean Bell shooting.

Due to the specific character of the media, an all-encompassing discussion of their role in the Sean Bell debate calls for a separate, independent, in-depth study, for example by comparing original statements, conversations, and speeches with the existing media coverage over a prolonged period of time. Such a study falls outside of the scope of this research, due to the volume required and the fact that such sources are not proportionally available from all stakeholders.<sup>1</sup> Yet relevant insights into the role of the media can also be deduced from the in-depth, face-to-face interviews held in October 2009 with key people/representatives from each of the discussed stakeholder groups (see the introduction to Part II for an overview), including *New York Times* reporter Michael Wilson, who wrote extensively about the Sean Bell shooting.

Mr. Wilson's interview responses can reveal his perceptions, interpretations and positioning in the Sean Bell debate, as well as that of other journalists, as the *New York Times* reporter talked at length about choices he made in covering the shooting. Other interviewees also talked extensively about their appraisal of the media, providing further insight into their role in the debate. A key question in this analysis will be whether the media are agenda-setters themselves, or if others set the agenda for them. In addition, a comparison between Mr. Wilson's responses and those of other interviewees can shed light on apparent discrepancies, some of which have been mentioned in previous chapters, such as the fact that Mr. Browne maintains that Police Commissioner Kelly did offer sympathy to the Sean Bell family on public occasions, but that the *New York Times* simply did not include this in its coverage, whereas it did report several times on the expressions of sympathy addressed to the family by Mayor Bloomberg. Another discrepancy which will be discussed is how interviewees from both sides of the debating arena maintain that the media, including the *New York Times*, are biased in favor of the opposing parties involved in the debate. From a more general perspective, the interviewees believe that the media played a pivotal role in the debate, as becomes apparent during the conversations held with them: While my questions were not specifically geared

towards the role of the media in the debate, the interviewees nevertheless brought up this role — including that of the *New York Times* — at their own instigation.

As Mr. Wilson — during my conversation with him — responds to some of the criticism conveyed by other interviewees, the analysis of his interview responses will be discussed last.

## 6.1 Interviewees' appraisals of the media

CHARLES BARRON

City Councilman Charles Barron speaks only briefly about the role of the media in the debate that ensued after the Sean Bell shooting.<sup>2</sup> Throughout the interview, the city councilman focuses on how he dislikes the portrayal of the shooting in the media, while also suggesting how the media should act when a shooting like that of Sean Bell takes place:

*Discussion of the media's reporting in the aftermath of the Sean Bell shooting*

Mr. Barron:

My problem with the press [...] you know **they went after Sean Bell more than [they went after] the police**. They said he was drunk, high alcohol levels. They said he tried to run the police down with the car.

Michelle Knight:

**But they were also negative about Detective Oliver, right?**

Mr. Barron:

Right. They **weren't negative; they told the truth about him**, in my opinion.

*Mr. Barron distinguishing between the reporting of different newspapers*

The Post is horrific, horrible, **the Times was maybe a little more telling it like it really was**, but **none of the papers gave a kind of justice that we needed, you know. They have to say clearly, highlight that they violated department procedures [...]** When it came to Sean Bell [having] alcohol in the system, that was huge. But when I think [...] about department procedures, you have to look in the stories to find that. [i.e. the violations of department rules should have been headline news, rather than information hidden away in a story — MK]

In the excerpts above, Mr. Barron negatively appraises the press coverage that followed the Sean Bell shooting, although the city councilman does see slight differences between the *New York Post* and the *New York Times*, as he believes the latter portrayed a more accurate picture of the shooting than the former. However, overall, the media conveyed — in Mr. Barron's view — an untruthful conception of the reality concerning the conduct of the officers, which did not bring 'justice' to the community.

From a broader perspective, the reality conveyed in the press clashes with the rigidly delimited reality held by the city councilman on the shooting and its aftermath. Mr. Barron's reference to 'the justice that we needed' for that matter involves his request for the dissemination of his rigidly defined reality: While the media report negatively about both Sean Bell and Detective Oliver, the media still 'went after Sean Bell more than [they went after] the police', because the criticism about Detective Oliver is the truth, and that about Sean Bell is not.

The excerpts above also indirectly give insight into how Mr. Barron observes the specific position taken by the media. More specifically, the excerpts show how the city councilman positions

the media on the side of the NYPD and the police defenders, because ‘they went after Sean Bell more than [they went after] the police.’ Phrased in the vocabulary of this research, Mr. Barron labels the media as ‘them’.

#### DELORES JONES-BROWN

John Jay College Professor Delores Jones-Brown speaks extensively about the role of the media in shootings such as that of Sean Bell.<sup>3</sup> From a general perspective, she believes the media do not report objectively on a large array of issues as a result of the specific background of those that work for the media:

##### *Ms. Jones-Brown characterizing American print media*

Unfortunately, **most print journalism is still run by mainstream people**, and when I say mainstream I mean **mostly white and mostly men**, and there is a set of **values that comes with that group that is not sophisticated enough to reflect the reality of modern life**.

In the excerpt above, Ms. Jones-Brown argues that the reality held and conveyed by print journalism is rigidly defined, as the press is run by ‘mainstream people’ who hold a rigid set of perceptions and interpretations that do not ‘reflect the reality of modern life.’ From a broader perspective, Ms. Jones-Brown sees the media as independent from other stakeholders (or at least, she does not focus on this relationship in the way some of the other interviewed stakeholders do), but dependent on its own biases.

As a consequence, the coverage on Sean Bell is skewed, according to Ms. Jones-Brown. In fact, during the interview, the professor brings up specific examples of such rigid reporting:

##### *Ms. Jones-Brown talking about New York Times coverage after the Sean Bell shooting*

I am sure that the Police Department will not agree, but my reading — **even in the *New York Times* — [was that] much of the coverage in the Bell case, was pro-police. Even the things that the police thought were critical of them, the articles I read were pro-police.** I will give you an example. The *New York Times* had this long article about the Bell case. And as I read through it, I thought: This is fairly neutral information, they are reporting facts. When I got to the very end, they reported some facts about **Mr. Bell’s recent arrests**. Apparently, just before he died, he had a couple of arrests. [...] So even if they go through the whole article being very, very sort of neutral, they get to the end, **they want to talk about these recent arrests**, and then they call the bar **a sleazy bar. And all of that, it’s loaded language.**

[...] So ... if you read it to the end, it is not a neutral article. [...] The bar is sleazy: **That is a matter of opinion, people who frequent it may not think it is sleazy.** [...] Once you put the otherwise neutral victim, and you throw in the word sleazy, you then change people’s thoughts on this person, **because in a way nice people don’t go to sleazy bars. [And innocent victims] don’t have arrest records.**

*Ms. Jones-Brown replying to my remark in response to her observations above, that a lot of the coverage of the Sean Bell shooting focused on the wedding and Sean Bell's 'high school sweetheart', which conversely personalizes the victim in a positive way*

**But that has a double-edged sword to it.** In person, people have made comments [such as] 'well he already had two kids with her, and now he is getting married'. In fact, it is some kind of a running joke, that that's how **'those people'** do it: **'They have the kids first, and then they get married. This isn't the way [...] we traditionally do things.'**

In the excerpts above, Ms. Jones-Brown gives examples of how the newspapers — as well as mainstream New Yorkers in general — in her view subtly discredit the victim, by focusing on elements that are not considered 'mainstream', such as the character of Club Kalua and the focus on the fact that Sean Bell already had children before getting married. The coverage hence becomes 'pro-police' in her view, as the rhetoric used is 'loaded' ('sleazy') and in addition, an overall picture is depicted of Sean Bell's life which 'isn't the way [...] we traditionally do things'. This, in turn, pits a mainstream 'us' against an immoral 'them' ('Those people ... they have the kids first, and then they get married'). Such subtle judgment in the media is not appreciated by Ms. Jones-Brown, as she considers the depiction partisan and she maintains that it portrays a rigid conception of reality ('that is a matter of opinion, people who frequent it may not think it is sleazy'). Moreover, she argues that such rigidity could bring the process of (judicial) debate into jeopardy ('because in a way nice people don't go to sleazy bars'). From a different vantage point, and in a more general sense, the coverage in the *New York Times* clashes with the reality held by Ms. Jones-Brown, which can be typified as rigidly defined in this sense too.

Besides denouncing this perceived rigid character of the reporting in newspapers, Ms. Jones-Brown is also critical of the sensationalist way the newspapers write about the Sean Bell shooting, as well as on other topics. An example of such sensationalism can be found in the excerpt above, i.e. the *New York Times*' focus on the arrests of Sean Bell prior to the shooting, which in her view can also bring the process of (judicial) debate into jeopardy ('And innocent victims don't have arrest records'). Yet such sensationalism comprises more aspects according to Ms. Jones-Brown, as the following interview excerpts show:

*Ms. Jones-Brown talking about her own experiences with the press in the aftermath of the Sean Bell shooting*

Part of it is [that] the reporters **don't know that they need to be asking these [informed] questions.** The other part of it is that editors **are filtering out certain things.** For example, I think in an interview that I did, I talked about [so many different aspects of the shooting and] the only thing that they used from my interview was **'Delores Jones-Brown is professor at John Jay College and thinks that we should take to the streets'** [...] **From an emotional level, that is how I felt — we need to take to the streets.** [However,] **all my informed discussion never made it in the paper.**

We have become addicted to **sensationalism and stimulus** and we have become addicted to **controversy** and **so anything that is reasoned and informed is boring.**

*Ms. Jones-Brown explaining how the process of anger works in the community*

It is not really about how nice you act, or about how nice you [persuade] other people to act; for whatever reason the police see you, in your community, as a monolith — and the bad people and the good people they all look alike, and when the police are oppressive they are oppressive to all of us. And they have not been responsive to our polite requests to not be so oppressive. So when they get upset, the bad people are already upset, the good people are now upset, and they all take to the streets together. Unfortunately, the bad people do a bunch of extra stuff, **which then the news coverage says: ‘Oh, see, that is why those people don’t deserve anything better’.**

In the excerpts above, Ms. Jones-Brown maintains that the media’s response to the public’s need for ‘sensationalism and stimulus’ filters out informed opinions (‘so anything that is reasoned and informed is boring’) while exacerbating the schism between ‘us’ and ‘them’ and inflaming the debate by focusing on emotions rather than on reason. As a result, the media not only gives a skewed view of the perceptions and interpretations held by police critics (‘my informed discussion never made it in the paper’), they also reinforce held prejudices and lump together groups of people (‘that is why those people don’t deserve anything better’). The latter example for that matter is also an example of the perceived biased mainstream journalism discussed above.

In addition to this sensationalism, Ms. Jones-Brown also believes that newspapers refrain from doing in-depth research, which again results in an exacerbated representation of reality.

#### KING DOWNING

Sean Bell’s representative King Downing, like Ms. Jones-Brown, believes that the media are not objective as a result of the specific background of those that work for the media.<sup>4</sup> The nature of this background sketched by Mr. Downing is to a large extent analogous to that of Ms. Jones-Brown:

*Discussion about the role of the media in the debate*

Mr. Downing:

When you have such total **corporate control** of the media now, this has a large effect [...] when **communities and victims try to respond**. The increasing ownership of [...] media outlets [...] by **major corporations** who are perhaps **more sympathetic with the ideas that the government has to control crime and they recognize that the focus on crime in the community and street crime should be a priority, or they believe that it serves a useful distraction for corporate crime, it is going to stack the deck against community leaders speaking whether it is about police shootings or not.**

Michelle Knight:

So you are saying that the media have an important role in this as well?

Mr. Downing:

Well, the media have a **biased role**. The media is portrayed as objective, as objective reporters of facts, but **they have their own biases which are not usually revealed**. And even

when you allow both parties to tell their sides of the story — **if you do that in a balanced way, it may not be objective, because the facts may weigh one side or the other.**

In the excerpts above, Mr. Downing maintains that the media are run by ‘major corporations’ which hold a rigid set of perceptions and interpretations (‘more sympathetic with the ideas that the government has to control crime and they recognize that the focus on crime in the community and street crime should be a priority or they believe that it serves a useful distraction for corporate crime’). Such views are similar to those described by Ms. Jones-Brown as ‘mainstream’ and, moreover, also result in subtly skewed, biased coverage (‘they have their own biases which are not usually revealed’), which does not focus on the opinions of community leaders on a variety of topics (‘It is going to stack the deck against community leaders speaking whether it is about police shootings or not’). From a broader perspective, Mr. Downing, similar to Ms. Jones-Brown, sees the media as mainly dependent on its own biases.

Yet again, the statements above also reveal the rigidity of Mr. Downing’s own reality and his disparagement of other realities, as well as of those entities holding or disseminating them. This rigidity becomes clear particularly in the paradoxical final sentence of the excerpt above, in which Mr. Downing maintains that if the media present two sides of the story, the story might still not be objective because the ‘facts may weigh one side or the other’. By saying this, he indirectly maintains that a reality is biased when the facts ‘weigh’ to another side than his, which in fact exposes his own rigidly delimited reality.

Besides denouncing this perceived rigid character of the reporting in newspapers, Mr. Downing is also critical of the media’s lax way of reporting:

*Mr. Downing speaking about how in his opinion the broader context is missing in articles on police shootings such as the Sean Bell case*

You know what? We call that the **stenography school of journalism, where all that happens is that the media will take down the statements of the people that they see. [...]** Because to me a stenographer would sit down and interview the family, would interview the activists, would interview the department, would interview the city officials, but I would say, **hey let’s do a little digging ourselves. Did you know that in the last year an x number of people have also had this happen to them and did you know that over the last 5 years this many people went to trial and this many were acquitted and did you know that this many of these were settled and this much has been paid out?**

As with Ms. Jones-Brown, Mr. Downing believes that the media do not conduct in-depth research (‘stenography school of journalism’), which results in skewed coverage that does not show the broader context of police shootings. However, he does not give any specific examples of such bad reporting; the latter questions are for that matter assumptions, as he does not bring up specific articles that reveal such reporting.



Yet the media do not simply set their own agenda, Mr. Downing argues in other segments of the interview. While he sees the media as mainly dependent on their own biases, he also — more indirectly — argues that the media can be influenced:

*Mr. Downing talking about the dynamics that take place after a police shooting*

It is usually not until there begins to be a reaction from recognized community groups, or there begin to be demonstrations, or vigils that the story starts to open up. So, I think a lot of where the story is going to go is **if Charles Barron says something, or if Al Sharpton says something.**

Whereas Mr. Downing throughout the interview focused on the negative, biased role of the media, the excerpt above shows how he also believes that community leaders such as Charles Barron and Al Sharpton have the ability to shape the story, and thus set the agenda for the media. The media are thus not solely on the side of the police, as Mr. King for the most part argues during our conversation.

CHRIS DUNN

New York Civil Liberties Union Director Chris Dunn, in a similar way to Mr. Downing, concentrates both on the media's own power to influence the public debate, and the media's function as a tool for other stakeholders to set an agenda.<sup>5</sup> He distinguishes several forces at work:

*Mr. Dunn talking about the dynamics that take place after a police shooting*

With a **high profile shooting like that** there was **an enormous press attention to it.** The [NYPD's] first impulse is not to reach out and start talking to communities. That is something they may choose to do later. Their first impulse is to do everything **they can to get the press to report it in a very particular way.** They've done that around a number of high profile incidents, **but Sean Bell is a pretty good example of that.**

*Mr. Dunn talking about how the NYPD tries to influence the press*

In general he [the police commissioner] is very aggressive about defending the department and getting the department's story out and I think that is certainly more so than prior commissioners. **Under Kelly, the press operation is very, very aggressive with reporters, which means they are very aggressive about giving things to reporters, if they think that it will help them, [and] they are very aggressive about trying to freeze out reporters, if they don't want those reporters to have information.** You know, they are not there just answering questions that get asked to them; they are very proactive, they are very much out there trying to kind of shape the story, they are very active with reporters. I think that Paul Browne oftentimes says things that he knows are not true and I think that when they give out information that there is a reason to believe that it is not true.

**But oftentimes you will see information or reporting whether it is in the *New York Times* or the *Daily News* or the *Post* that is attributed to a senior level Police Department source and oftentimes that someone is either Paul Browne or someone in his office who is giving information, but they are not doing it on the record and that information is more important than the sort of official statements they make.**

I routinely have reporters telling me things that Browne has said off the record, not for attribution when they are reporting about this sort of controversy. **I have a pretty good sense**

**of what the dynamic is between reporters and Browne and that is just part of what they do, I mean they are very effective.**

Mr. Dunn distinguishes different background forces that interact when a public debate takes place on a controversial shooting such as that of Sean Bell. First, he argues that the newsworthy ‘high profile’ elements of the shooting result in press coverage, as the media are driven by news. Yet the press is also immediately (and to a certain extent effectively) influenced by the Police Department ‘to report it in a particular way’. The press for that matter only partly acts autonomously, by proactively focusing on the incident, while they are to a large extent tied to the Police Department. This, consequently, results in skewed coverage. The second excerpt shows the close relationship between the police and reporters (‘what the dynamic is between reporters and Browne and that is just part of what they do’) and how exactly the media are successfully influenced (‘But oftentimes you will see information or reporting [...]').

However, the NYCLU director also points out that other stakeholders influence the press, including the NYCLU itself:

*Mr. Dunn discussing the amount of media attention received by different stakeholders*

The fact of the matter is that **we are a pretty high profile organization; we get a fair amount of play in the press** which I think reflects the press’ conclusion that **we are actually a credible source and oftentimes we are the one group that is out there with facts and with a history.**

[...] You know, they [police unions] **get their point across**, and they get a fair amount of attention, and they get a **pretty good play, certainly in the Times.**

[...] In my experience, **credibility with the press is a huge issue**; for instance, someone like Charles Barron is someone who I think **the press recognizes is the person who is going to make the most extreme statements about something**, so if that is what you are looking for he could be a source for that.

[...] In some respects something like Sean Bell, with the number of shots that get fired, **you don’t necessarily need a Charles Barron to say, this is crazy, why are they shooting all these police shots at someone who is unarmed.** That is kind of self-evident. But there is no doubt that **by virtue of having the so-called police critics you have a community of people who are raising issues that the police were never going to raise**, and are criticizing the department in ways that no one else is going to criticize them. I mean, **the paper is not going to offer that criticism by itself, it has got to have someone else to give voice to that.**

[...] We — I think — are quite successful **in getting the press to report things about the Police Department, to actually generate stories about the Police Department**, as opposed to just responding to things that could generate someplace else, and that reflects the fact that we are constantly doing work to develop information on the Police Department, to find things that may be problems that they need to change. And so reporters, they know they can rely on us, because **if we have the information, we have it right.**

The excerpts above show how Mr. Dunn believes that both police critics ranging from the New York Civil Liberties Union to harsh critics such as Charles Barron and police defenders such as the unions

have the ability to influence the press to report about police–community issues in a particular way (‘they get a pretty good play’, ‘we get a fair amount of play in the press’, ‘the press recognizes’), but also to ‘generate’ new stories about the Police Department (‘getting the press to report things about the Police Department’). While the NYCLU is able to do so because of their history of factuality (‘we are actually a credible source and oftentimes we are the one group that is out there with facts and with a history’, ‘if we have the information, we have it right’) and their clout and presence (‘we are a pretty high profile organization’), Charles Barron and harsher critics can manipulate the press because of their ‘extreme statements’. The autonomy of the press, in Mr. Dunn’s view, is thus limited, as other stakeholders are able to set the agenda for the press. However, all these different forces at play do result in a more balanced press coverage.

Newspapers such as the *New York Times* do have a certain degree of autonomy, as pointed out by Mr. Dunn, and therefore also make decisions that the NYCLU leader does not completely agree with:

*Mr. Dunn discussing flaws in the reporting of the New York Times on police issues*

It could be better [...] I mean, **there are lots of times when either there are stories that the Times run that we think don’t adequately reflect our perspective on something.** There are lots of stories that the *Times* just does not run. I am sure you know — the [space] in the *Times* for local news is shrinking dramatically [...The paper is] the most influential newspaper in the country [and] the NYPD [...] **is a main target of reporting.** [Yet] right now, **they have got one reporter. And that is a real problem.**

While this excerpt foremost gives insight into Mr. Dunn’s negative perceptions concerning the *New York Times*’ limited coverage on police shootings (‘that is a real problem’), the excerpt also reveals the limits of Mr. Dunn’s own reality that the *New York Times* should write extensively about the NYPD as the Police Department is ‘a main target of reporting’.

#### PAUL BROWNE

The Police Department’s Deputy Commissioner of Public Information Paul Browne speaks extensively about the media’s role in the debate that followed the Sean Bell shooting.<sup>6</sup> In his analysis of the media’s role, Mr. Browne lays particular emphasis on how the *New York Times* reported the shooting and its aftermath. A reason for this can be the important role the newspaper plays in this research, which was shared with the spokesman during the interview. Another reason is that Mr. Browne believes that the *New York Times* in many ways is more anti-police than other newspapers such as the *New York Post*, but also the *Daily News* (the latter of which is perceived by other stakeholders as more anti-police than the *New York Times*). The following excerpts show this:

*Mr. Browne elaborating on the role of the New York Times in the aftermath of the Sean Bell shooting and that of similar incidents*

The Bell shooting aside, [the *New York Times* gives] **credibility to people on the street, who turn out later not to have witnessed anything**. Anytime the [New York] Civil Liberties Union will sue the Police Department, **it will give it [a] prominence that no other broadcast or publication gives prominence to. [It gives] repeated prominence to any failure or perceived failure by the Police Department. It loves stories that involve alleged misconduct by the Police Department, more than any other publication, no question about it ... [it is remarkable] how often they come back to the subject matter [in comparison to] stories that they do not cover.**

[...] So we are doing things that people don't like [in the community], that is the nature of our job. The police commissioner recognizes that, he grew up in a suburb. He is out there in part to build goodwill and communicate and to talk in some of the terms you just described. **That is rarely, if ever, reported upon.** They [the press] write **reams about the failures like the Sean Bell [shooting],** but there are **vast numbers of positive stories about the Police Department that will not be written.**

[...] The police commissioner is out virtually every **night in various communities and talking in the terms you just described** but you **don't read about it.**

[...] I was a journalist before I came to the Police Department and I worked for the *New York Times*, so I understand there is only so much space you know, **you have to decide to filter some things, but my concern with the New York Times is that they filter out too much of the Police Department's side of the story and tend to give greater space to their critics.**

*Mr. Browne responding to my analysis of Mr. Sharpton's role in the debate as an 'agenda-setter'*

The *New York Times* holds itself out to be a news institution that **doesn't fall for that, in other words that it doesn't let people set agendas for it. So I'm not sure that Sharpton sets the agenda as much as it fits with the Times agenda as well. In other words there's a meeting of the minds there. He is giving them what they want.**

*Mr. Browne responding to my remark that the police commissioner appears to be more upfront in his communication when he is not speaking directly about the Sean Bell shooting*

There is an interest I think both in the media and in some of the players who want **to feed on controversy [by] portraying those things in stark terms. They are not interested in those kind of statements by the police commissioner very often, if it kind of softens the edges of this.** The media generally **want these edges.** They like the controversy.

In these excerpts, Mr. Browne clearly does not label the *New York Times* as an intermediary, objective stakeholder, but as a police critic on a par with Al Sharpton and other police critics, as they share a similar agenda ('He is giving them what they want'), and a similar mindset ('meeting of minds'). Apart from that, the *New York Times* (and also other media) 'seek edges' in their reporting, and 'feed on controversy'. Together, this results in a skewed representation of reality in regard to the shooting and its aftermath, but also, more generally, in regard to the conduct of the NYPD in general, as 'they filter out too much of the Police Department's side of the story and tend to give greater space to their critics' and moreover, give 'repeated prominence to any failure or perceived failure by the Police Department', while filtering out more positive news on the NYPD ('stories that they do not cover'),

and more conciliatory remarks made by the police commissioner ('you don't read about it', 'they are not interested in those kind of statements'). The *New York Times*' skewed presentation is often subtle, for example by giving 'credibility to people on the street, who turn out later not to have witnessed anything'. Mr. Browne for that matter also conveys indirectly the role of the *New York Times*: that of a filter of positive news, a magnifier of bad news, and a subtle polarizer of the adversaries pitted against each other, while setting its own anti-police agenda.

As the Sean Bell case is such 'bad news', the incident is hence, in Mr. Browne's view, magnified and polarized in the *New York Times*' reporting. More generally, Mr. Browne is critical of the overall reporting in the *New York Times* and other media outlets on the Sean Bell shooting itself:

*Mr. Browne responding to my question on whether the NYPD showed sympathy to the Bell family, as such expressions are not printed in the New York Times*

**Absolutely, he [Police Commissioner Kelly] expressed his concern for the family and that was in countless community meetings where that was repeated often. If you read the whole *New York Times* and haven't found [an] expression of concern to the family, then that's a failure in their reporting [...] 'cause I was at community meetings where he said that and the press was in attendance.**

*Mr. Browne talking about the reporting in regard to the race of the implicated detectives*

One thing the *Times* danced around for a while. [...] The *Times* usually describes people as black, white, or Hispanic, in racial terms. **In the Bell shooting they kept trying to call one of the shooting officers this Haitian, Hispanic. They didn't want to say that one of the shooting officers was black, and they tried to kind of dance around that issue for a while. [...] The *Times* was kind of last at the table in disclosing the fact that one of the shooting officers was black.**

*Mr. Browne explaining why the Sean Bell shooting got so much attention*

**If he had not been scheduled to get married the next day, the press' interest in that story would have been tremendously reduced — tremendously — but because of that aspect and I think also because his fiancée was beautiful, if she had been homely, there would not have been as big an interest. [...] Take that out of it and take out the beauty of the fiancée, the interest by the tabloids certainly and even the *Times* to a certain extent would have been reduced. They had this in addition to a shooting where somebody was killed by the police. There is always some interest in that, but the fact that it was on the eve of a wedding and that the bride to be was such a beautiful woman, from their view, this is great. I think they were celebrating this in an odd way, this is like a tremendous story, you know, we are going to be able to milk this for a long time.**

What is striking in the first excerpt is how Mr. Browne insists that Police Commissioner Kelly 'expressed his concern for the family'<sup>7</sup> but that the *New York Times* did not pick it up, which is a different explanation from Mr. Wilson's response, as will be discussed later in this chapter. More specifically, in Mr. Browne's perception, 'it is a failure in their reporting', that is in line with his earlier discussed remark that 'they are not interested in those kind of statements by the police commissioner very often', because such remarks will soften the edges.

In the second excerpt, Mr. Browne points out another failure in the *New York Times* reporting, i.e. the assertion that the *Times* gives a skewed perception of the racial aspects of the shooting. This assertion is in line with the earlier discussed remark that the media, the *New York Times* included, are looking for ‘edges’ and polarization.

In the third excerpt, Mr. Browne expresses his belief that the media aimed to ‘milk’ the Sean Bell shooting, by focusing on the newsworthy ingredients of the story, such as the wedding itself, ‘the beauty of the fiancée’, and the fact that it involved a fatal police shooting. This is only to a certain extent in line with the excerpts discussed in this research. While the wedding itself is one of the focal points of the *New York Times*, as can be deduced from the excerpts discussed in Part II, Chapters 1 to 5, the newspaper does not in particular focus on the beauty of Nicole Paultre Bell. Moreover, it is interesting how Mr. Browne — not only in this statement, but in the entire interview — ignores the ‘50 shots’ fired by the implicated officers, a label not only used in the communication conveyed by police critics, but also by the press.<sup>8</sup> Viewed as spontaneous discourse, Mr. Browne’s statements suggest that the media’s ‘human interest’ attention does not fit within his rigidly defined reality concerning the magnitude of the shooting, while from a strategic PR perspective they can be seen as a way of downplaying the magnitudinal images conveyed in the press. The fact that the fiancée was beautiful for that matter tells less about the potential culpability of the officers, and that of the NYPD, than the label ‘50 shots’ does. Moreover, it tells less about the innocence of Sean Bell than the images inherent in the label ‘Sean Bell’ do. By focusing on these aspects, the spokesman in fact avoids the culpability issue during the interview. From a different vantage point, it can be argued that the media’s general human interest focus in regard to the Sean Bell shooting, which certainly drove the *New York Times* to a certain extent, has a negative effect on the perceptions of the media held by Mr. Browne.

Mr. Browne also gives details on what he believes are the effects of the press coverage on the Sean Bell shooting and its aftermath:

*Mr. Browne responding to the interviewed police critics’ belief that the New York Times unfairly portrayed Sean Bell*

For somebody [to conclude] that the *New York Times* had unfairly ... or kind of dirtied up Sean Bell, I think it is absurd. **I think if anybody surveyed *New York Times*’ readers on that particular story they would find that the police were at fault and [the readers were] sympathetic to the casualties in that shooting.** I don’t think there’s any doubt about that.

Whether the coverage was fair or not, **the result was, based on that coverage, that the police were viewed unfavorably.**

The excerpts above show how Mr. Browne believes that the reporting in the *New York Times* did not result in a skewed, negative opinion on Sean Bell. Conversely, in his view, the newspaper and its (perceived) filtering, magnifying, polarizing, skewed, anti-police and agenda-setting reporting

influenced ('the result was') its readers to believe 'that the police were at fault', and moreover, made them 'sympathetic to the casualties in that shooting'. Mr. Browne is thus subtly suggesting that the press is pitting the public against the police.

#### MICHAEL PALLADINO

The President of the New York City Detectives' Endowment Association, Michael Palladino, shares Mr. Browne's opinion that the media are biased in their reporting.<sup>9</sup> However, the roots for this bias, according to the union leader, differ slightly from those detailed by Mr. Browne:

##### *Mr. Palladino explaining the processes that ensued after the Sean Bell shooting*

First thing that Sharpton said (and all these political cronies jumped on), was: 'It was a racially motivated shooting'. So the first thing, the first stories I started to read in the paper, **nobody ever asked that question or did any investigating, but the first thing they wrote about was: It was another racially motivated police shooting.** Now I had to respond to the paper. I had to take a full page ad, because **the reporters did not want to listen. They just wanted to write what they wanted to write. I had to pay.** The union had to pay money to all these newspapers, to take up a full page ad and I am sure you saw that, to explain.

[...] **I spent about \$50,000 to take the full page ads out to explain the facts to the public.** Because what these people were creating, the opportunists, they are creating racial tension in the city, when three of the five cops involved in the shooting were people of color. **People of color!**

[...] So that is the first thing. So now, once I responded with a full page ad, kind of describing, hey wait a minute [...] then the other thing Sharpton claimed was: **The cops were drunk!** The cops were drunk. They were hanging out in night clubs. [...] This is the **misinformation that is being disseminated and is being leaked out to the public,** who one day may sit on that grand jury or a regular jury when these fellows have their case decided by a group of their peers.

[...] The negative impact that all **this media attention has,** and Sharpton and his marches: [They] **try to turn the public against the police force** that defends them and protects them, especially in this post-9/11 world.

[...] I thought the **justice system was being poisoned by very critical media** and people disseminating this information.

Mr. Palladino's opinion of the news media is not so much that they are biased themselves, but that they are misinformed and influenced by biased critics ('Sharpton [...] and all these political cronies'), because the media act unprofessionally ('nobody ever asked that question or did any investigating'), and are oblivious to the facts ('the reporters did not want to listen'). The media for that matter have an intermediary role, in his view, that is being misused by police critics ('misinformation that is being disseminated and is being leaked out to the public'). This resulted — according to Mr. Palladino — in skewed, untruthful reporting that has the potentiality to 'turn the public against the police force', while poisoning the justice system and jury pool. In other words, the reality presented by the newspapers at large is not accepted by the union leader and is not in line with the single version of the

truth maintained by him: The coverage results in a negative effect on the process of debate both in the media and in the court of law, including potential victimization. The untruthful reporting, in his view, focused on the race of the officers and the question of whether they were intoxicated. He does not mention the media's focus on the number of shots fired by the implicated officers, which is in line with the public statements made by him and police defenders, as discussed previously, which do not focus on '50 shots', but rather on 'A matter of seconds'.

It is interesting how the union leader stresses that he himself does hold and disseminate the truth on what happens ('I spent about \$50,000 to take the full page ads out to explain the facts to the public'), again demonstrating how the union leader holds a rigid conception of reality.

#### WALTER LIDDY

Patrolmen's Benevolent Association (PBA) administrator Walter Liddy, like other interviewees, is not positive about the *New York Times* coverage and the role of the media in general.<sup>10</sup> However, unlike other stakeholders, Mr. Liddy can't pinpoint specific coverage/fragments of reporting as he admits that he is not an 'avid *Times* reader'. Instead, Mr. Liddy conveys his overall opinion of the *New York Times*:

##### *Mr. Liddy appraising the New York Times coverage*

[It's] a **less than sympathetic portrayal of any incident that the police are involved in**. And, you know, it is a very **liberal, left to center paper**. You are going to get a **slant on the story**. And I am just talking about the news reporters themselves. The editorial page, forget it. I don't think we are talking about the editorials, but if we are, they are basically **anti-police**.

For the most part, **you are going to get a biased report, not a straight, fair, 'I am just reporting both sides' type of deal** ... Speaking from a PBA perspective, and being a PBA representative who sometimes has officers involved in shootings, I can't say it is all the time the reporter's fault, because, we don't believe in ... we are certainly not going to speak about an ongoing case, because **we are going to protect our members' rights**, and that has to be done in a court of law. **Sometimes, they will only get the side of the rabble-rousers like Sharpton or Barron**, and it becomes difficult, but again, **we don't try a case**, especially a controversial case, in public, and **certainly not on the newspaper pages**.

##### *Mr. Liddy describing Mr. Sharpton's role*

It's all self-promotion. He is the **'go-to guy', he is the 'easy quote'** and it is just sad.

In a similar manner to Mr. Palladino, Mr. Liddy maintains that the *New York Times* is not always biased, but that it is misinformed and influenced by biased critics and their aggressive strategies ('they will only get the side of the rabble-rousers like Sharpton or Barron'), while the police defenders show modesty towards the press ('we don't try a case [...] on the newspaper pages'). Combined, consequently this results in skewed coverage. In his view, the media — again — have an intermediary role that is being misused by police critics. These latter observations are only to a certain degree in line with this research: While the police critics' approach indeed has an agenda-setting effect, partly



due to the passionate oratory and the specific means of communication used, the police defenders equally have a profound role in the media, which is perhaps only slightly less profound than that of the police critics. Only the NYPD is less visible in the press due to its restricted communication outreach.

However, unlike Mr. Palladino, Mr. Liddy also maintains that the bias in the *New York Times* stems to a certain degree from the outlet itself. First of all, the messages conveyed by Mr. Sharpton serve the purposes of the media such as the *New York Times* well, as he is ‘the go-to guy’ and ‘the easy quote’. Moreover, Mr. Liddy argues that the *Times* is ‘left to center’, which results in ‘a slant on the story’ and ‘a less than sympathetic portrayal of any incident that the police are involved in’. This interpretation can be viewed in two different ways. First, it shows how the perceived focus of the *New York Times* on police critics and their critique results in a negative perception of the PBA on the newspaper in general. From a different vantage point, it also shows that within the rigid ‘us-versus-them’ reality held by the PBA, all perceptions and interpretations that do not fit within this reality are denounced (‘anti-police’), or ignored (‘not an avid reader of the *Times*’).

#### GARY LEMITE

New York Police Detective Gary Lemite articulates similar beliefs about the press as the ones held by Mr. Liddy and Mr. Palladino.<sup>11</sup> The following excerpts show this:

#### *Discussion about the media both in relation to the Sean Bell shooting and in general*

Michelle Knight:

How would you describe the public debate that ensued after the Sean Bell Shooting?

Detective Lemite:

Well, the little bit I know about it, is really what I got from the media. **I have no confidence in the media because they inflame everything. I take everything with a grain of salt really.**

Michelle Knight:

What did you think was inflammatory?

Detective Lemite:

**I am not sure. I really don’t know. I just don’t trust the media,** so I wasn’t there, I don’t really know what happened.

Michelle Knight:

Do you believe the media — especially in the Sean Bell shooting — are on anyone’s side?

Detective Lemite:

**Well, they definitely wanted to keep the story going. So I have to say they were probably anti-police, because when you want to diffuse something, the best way for me, if I get involved in a situation on the street, the sooner I get out of there, the sooner it is over. So, when I am doing police work, when we stop somebody and it is not the ideal situation, or we are wrong, you dust them off, out of sight, out of mind, you are out of there. And then they don't even remember whether you are white, black, Chinese, and the situation is over. But when you stand there toe-to-toe with them, and continue to talk, the confrontation, it just escalates. And you are going to have problems.**

*Detective Lemite responding to my remark that police critics believe the media are biased in the police's favor and to the specific remark made by Ms. Jones-Brown about 'loaded' language such as the depiction of Kalua Club as 'sleazy'*

You know, I think in my life I have been to one place like that. It was my brother's bachelor party. And it was a sleazy place. And that's what goes on, those are sleazy places. But I would say **they are definitely not in the police's favor. I don't see it that way at all.**

What is most striking is how Detective Lemite is distrustful towards the media's depiction of the Sean Bell shooting, without being able to provide specific details on the coverage of the shooting ('I am not sure. I really don't know'), apart from the prolonged time span in which the media covered the incident ('Well, they definitely wanted to keep the story going'). His perceptions of the media are for that matter shaped by the way he interprets its role within a historical framing of previous negative experiences with the media, who have a tendency to 'inflare things'. The media for that matter act independently, rather than being influenced by other stakeholders. Their focus on sensationalism, in turn, results in Detective Lemite's lack of confidence in the media ('I take everything with a grain of salt really', 'I just don't trust the media'), who report 'definitely not in the police's favor'.

The detective hence maintains that the coverage in the Sean Bell case is probably 'anti-police', as it aims to 'keep the story going', which ultimately causes 'escalation' and 'problems' that are not favorable to the police. He strengthens this assertion by giving an example of his police work, which corresponds to the self-centered interpretative framings discussed in Part II, Chapter 3, delineated by the concerns, feelings, thoughts and previous experiences of police officers.

Overall, Detective Lemite holds a rigidly defined reality concerning the coverage of the police in the media, which is reflected in the use of dogmatic assertions and other decisive language ('they are definitely not in the police's favor. I don't see it that way at all').

#### CHARLES TESTAGROSSA

Contrary to the interviewed police defenders, the Queens Assistant District Attorney, Charles Testagrossa believes that the media are heavily influenced by the unions, rather than by police critics.<sup>12</sup> The following excerpts show this:

*Mr. Testagrossa talking about the relationship between certain media outlets and the unions*

**You can just look at the newspaper columnists, what they were writing in the *Daily News* and in the *New York Post* then you can see that they are basically acting as**

**spokesmen for the Detectives' Endowment Association, that's the way it appeared to me. All so one-sided.**

[...] I mean **Mike Wilson from the *Times* was really the only one who was trying to give a balanced account of what was going on.** After a while, because the tabloids were being really nasty — some of the columnists they were really being very nasty, **personally nasty** — I stopped reading them [*laughs*]. **I was only reading the *Times* after a while because I was just getting very angry.**

*Mr. Testagrossa reacting to the criticism by other interviewees of the New York Times reporting*

**When you are being criticized from both sides it means you must be doing something right.**

Mr. Testagrossa sees the *Daily News* and the *New York Post* as exponents of the role that the police defenders take in the debate, as he believes that both papers aim to disseminate this group's perceptions, interpretations and positioning. According to the prosecutor, these newspapers for that matter have a fixed role in the debate, like other stakeholders do. This specific function, in turn, results in a rigidly delimited portrayal of reality ('all so one-sided'). In addition, the prosecutor also denounces the communication methods of these two newspapers, such as the *ad hominem* attacks and the use of harsh language ('they were really being very nasty, personally nasty').

In addition, the excerpts above literally show what the effects of this negatively perceived coverage are: The prosecutor shields himself from the reality presented by these newspapers ('I was only reading the *Times* after a while because I was just getting very angry.').

The prosecutor does distinguish between different outlets in his overall perception of the media's performance after the shooting: Michael Wilson, also interviewed for this research, is perceived as the only reporter who did not convey a skewed, rigidly delimited version of reality. Also of interest is how the prosecutor perceives the role of the *New York Times* from a stakeholder-observant perspective, in which he does not see himself as part of either police critics or police defenders ('When you are being criticized from both sides'). From this perspective, he sees how the newspaper's balanced reporting conflicts with the rigidly held realities held by both police critics and police defenders ('you must be doing something right'), a notion that will be further analyzed in the next chapter.

## 6.2. In retrospect: The perceptions of Michael Wilson

As a final part of this analysis on the media's role in the Sean Bell debate, it is interesting to look at how the *New York Times* reporter Michael Wilson speaks in retrospect about the considerations taken and choices made by him while covering the shooting, as well as about the perceptions and interpretations held by him on the incident.<sup>13</sup>

While Michael Wilson and the *New York Times* at large can be seen as intermediary stakeholders, the *New York Times* reporter still perceives the shooting in a certain way, as do all stakeholders involved in the Sean Bell case. His initial perceptions of the shooting show stark resemblances with those of the police critics, or, as Mr. Wilson points out, by New Yorkers at large. The following excerpt gives insight into these initial perceptions:

*Mr. Wilson describing the response to the Sean Bell shooting*

It is very inflammatory against the police immediately. You shoot an unarmed man, you know, **50 times**, I mean, that was very ... **that just caught fire in town** ... Everybody was ... I mean, **the number '50' was a big part of it you know**. It became a **very sensational** shooting, long before any of the other kind of facts were known. [I never forget] when it came out that Sean Bell disobeyed the orders, hit an officer with his car, **none of that would have mattered, everyone was just ... '50, 50, 50 ... How do you shoot 50 bullets?'** Then we found out that one of the detective shot most of them, **more than 30, right? If that detective wasn't there that night, then it would have been a much less huge inflammatory event I think.**

What is most striking in this excerpt is how Mr. Wilson immediately focuses on the number of times Sean Bell was shot, just like the police critics do. Mr. Wilson, however, argues that this was not just the perception of police critics, but of New Yorkers at large, including himself. He is for that matter not merely an intermediary stakeholder that reports on how the symbolic number '50' 'just caught fire in town', but is also part of that group ('everybody', 'we') who was wondering at the time 'How do you shoot 50 bullets?'

Mr. Wilson's coverage of the shooting is thus driven by both the perceptions of the public and his own curiosity. More specifically, the fact that the detectives fired '50 shots', Sean Bell was unarmed, Detective Oliver fired more than '30 shots', and that all of this caused inflammation in the city, made the shooting — in the words of Mr. Wilson — 'sensational', which, in turn, made the shooting newsworthy too.

Mr. Wilson further expounds on the newsworthy aspects of the Sean Bell shooting at other instances during the interview:

*Mr. Wilson talking about the issues and topics that the New York Times' readers are interested in reading*

I think a lot of people were interested in the idea that there are these undercover police officers, who **are in bars and having a couple of drinks** and they've got their **gun on them**

and everything, you know, that had never really been explored until this happened, so that became a **whole side story**: How many drinks can an officer have while he is on duty, how many drinks did these guys have. After this case, if I'm not mistaken, a new policy started where they have a breathalyzer test now for any officer involved in any shooting whether you are undercover or not. That was a big part of it. The question, you know, just **what happened that night ... did the detectives identify themselves ... how did Sean Bell react ...** did he know that there were cops ... that these were policemen ... or did he think they were bad guys with guns ... you know that was a big question. Who is Sean Bell ... what was he doing ... **it was on his wedding day, that's right ... so that again, that elevates it ...** shot 50 times on an unarmed man ... **and race plays a role and everything**; in this case **some of the officers involved were not white, some were, but when an unarmed man is shot 50 times on his wedding day ... I mean that's just a big story.**

The excerpt above shows how the human interest element, in combination with the unusual and racial aspects of the Sean Bell shooting, comprise the driving force for the *New York Times* to report about the shooting. As Mr. Wilson put it, 'when an unarmed man is shot 50 times on his wedding day ... I mean that's just a big story.' Yet, the wedding is not the first thing that comes to mind when Mr. Wilson is talking about the case; instead it is the complexities of the shooting and the fact that Sean Bell was shot 50 times.

The question now arises whether this particular focus on the shooting in itself can be interpreted as an 'anti-police slant'. An answer can be found in the transitional character of the perceptions held by Mr. Wilson on the shooting: While he, like the general public, questioned the conduct of the NYPD in this specific incident, which in itself is not anti-police, his perception of the shooting changed throughout its aftermath. The following excerpt gives further insight into this:

*Mr. Wilson talking about how the public changed its perception of the shooting throughout the aftermath*

Whatever anger towards the police [existed in the city] had died way ... way down because now the trial is over, now **we've** learnt many things about what happened that night at the trial ... It was a very long trial you know. **We learnt the officers' side of the story, we never heard before. We learnt Sean Bell was extremely intoxicated, he shouldn't have been driving at all and we heard different versions ... we heard several persons say that the police did identify themselves and that Sean Bell's friends possibly were going to have a fight with this guy.**

It is interesting how Mr. Wilson's perception of the shooting changes along the lines of the perceived transitory perceptions held by the general public ('we'). He makes an indirect distinction between the general public and police critics for that matter, as the anger of the latter group in fact increased after the acquittals of the implicated officers. These transitory perceptions are the result of the interpretative framing constructed by the reporter, by which the shooting is interpreted as a conundrum and a deviation from usual police behavior. For that matter, the reporter's perceptions and interpretations are not necessarily anti-police.

Still, it is a fact that the *New York Times* quoted police critics, especially Mr. Sharpton, more than it quoted Police Commissioner Kelly in response to the Sean Bell shooting. The following excerpts provide more insight into the causes for this:

*Mr. Wilson responding to my observation that Mr. Sharpton is quoted more frequently than the NYPD in the aftermath of the Sean Bell shooting*

Oh, really? That surprises me. Well, in a situation like this, Al Sharpton **can be very vocal** and Commissioner Kelly **might not be**. So if Al Sharpton had this and this and this to say one day and the commissioner didn't respond then I guess it will come out, yeah, he won't be in the paper. **It is not as though the commissioner said something and we all ignored it. If he says something you know it gets printed, especially in a big case like this.**

[...] In a situation like this everybody plays a role, so when this happens you just know okay, **let's just go find Sharpton 'cause he's got something to say about this.**

The statements above shows how Al Sharpton, to a certain extent, sets the agenda for the *New York Times* ('let's just go find Sharpton 'cause he's got something to say about this'). In fact, he sets the agenda more than the police commissioner does, for the mere reason that he 'can be very vocal' while the commissioner 'might not be'. By saying this, the reporter shows that he does not set an 'anti-police' agenda himself by intentionally 'ignoring' statements made by the police commissioner, as Mr. Browne claims the *New York Times* is doing. In fact, if the police commissioner 'says something you know it gets printed, especially in a big case like this.'

The *New York Times* reporter expounds on this specific point, when asked about why the newspaper did not print an 'expression of sympathy' from the police commissioner in the days after the shooting, and whether this was because the commissioner never made such a remark, or because it was purposely omitted. The following excerpt shows this:

*Mr. Wilson responding to my observation that there was no 'expression of sympathy' from the police commissioner printed in the New York Times*

Well, you have to remember ... I mean ... **the whole city was focused on the '50 shots' and everyone wanted to know why this happened, what happened ... how can this happen? ... I mean it is hard to imagine it; if you're not a police officer it is hard to imagine 50 shots.** And so, that is what the newspaper stories were about in those days following it. There wasn't going to be a newspaper story about **whether the police commissioner feels bad about what happened** or something because that is not the compelling news that we are after; having said that **I don't think that the New York Times would have just ignored that. I mean there wouldn't have been something like 'Oh, let's not put that in the paper because we don't want to make him look more human or anything like that'. If he said that, we would have printed it.** Most of what he said got into the paper. **We had endless space for this topic; it wasn't like 'Oh, this is your Sean Bell space today to write about.**

What is most striking in the excerpt above is how Mr. Wilson, again, maintains that he does not have an anti-police agenda himself, but that the agenda is set by the specific character of the event, i.e. the 50 shots that were fired. The statement for that matter again shows how Mr. Wilson is both an

intermediary stakeholder, but also part of the public ('the whole city') for whom it is 'hard to imagine' that the officers fired 50 shots. Moreover, contrary to police critics, he does show understanding for the interpretative framing of the police ('if you're not a police officer').

Due to these specific newsworthy aspects of the case, and the function of the *New York Times* as an intermediary news provider, the focus of the story is on the number of shots fired, rather than on 'whether the police commissioner feels bad about what happened'. However, the reporter argues that he would not have purposely excluded such an expression of sympathy either. In fact, he maintains that 'most of what he said got into the paper', which is the opposite of what Mr. Browne maintains. Also of note is that the reporters were granted 'endless space' to write about the Sean Bell case, which shows how the *Times* magnifies the shooting, due to the human interest level and unusualness of the case.

Thus, whereas Mr. Wilson's response does not give insight into whether or not Police Commissioner Kelly actually made an expression of sympathy to the family, his response does suggest that such an expression was not the focal point of the NYPD's communication, as the *New York Times* would then have included it in its coverage, as it did with such expressions made by Mayor Bloomberg.

During the interview, Mr. Wilson also responds to some of the previously discussed criticism conveyed by other interviewees. His responses give further insight into his perceptions and on the choices he made:

*Mr. Wilson responding to Ms. Jones-Brown's criticism that the New York Times used the word 'sleazy' in its reporting on the Kalua Club, which tainted the character of Sean Bell*

I don't remember **the New York Times saying that club was sleazy, but I do know that it is sleazy**. We went to it, you know, we spent time in the club after the shooting on different nights and it is just **a run down depressing dump ... It's not a nice place you know, that is not saying anything about Sean Bell**. [...] I don't remember the word sleazy, but I do remember words like dirty, run down, that sort of thing. But we went to the club and **wrote a story about the club**; the goal was **not to be pro- or anti-Sean-Bell or pro- or anti-police**, it was to tell the readers **'Hey here's what this club looks like. [...] Here's what's going on'**.

*Mr. Wilson responding to Ms. Jones-Brown's criticism that the New York Times focused on the fact that Sean Bell had two children before marriage, which, in her opinion, also tainted his character*

What are we supposed to do? **Not print it because it might make him look bad if you feel strongly about children born when you're not married**. It's just the facts you know. **We didn't go digging around and found Sean Bell's two children**. His fiancée has two children, they live together. **She said that we were focusing on that ... I completely disagree; all we did was tell it. If I was shot 50 times, they would find out things about me**.

*Mr. Wilson responding to the wide range of criticism, from Ms. Jones Brown to Mr. Palladino*

It is not new to just blame the media for something you know; I'm surprised that both sides think that the media treated the other side better. [...] You hear that a lot [...] 'Oh, you know, the media of course blowing this up and some things not' ... Whatever, you hear that about every issue in this city, in this country, all the time. **No one says 'Oh, I really like the way the media handles me'.**

[...] I just think that people like to trash reporters and the media. **Everyone thinks, everyone believes that everyone else has an agenda you know [...] both sides are inclined to criticize a newspaper that prints the other side's belief even though the same newspaper might have printed their belief too, you know, get them both in the same story.**

In these excerpts, Mr. Wilson maintains that the newspaper's reporting is not driven by any pro- or anti-police sentiments, but by newsworthy 'facts'. It does so in order to tell the reality of what really occurred, which is normal for a newspaper to do ('If I was shot 50 times, they would find out things about me'). However, the excerpts also show how the *New York Times* magnifies elements that are sensational, ranging from '50 shots' to the fact that the club is sleazy, which results in an overall skewed focus on sensationalist news over news that is not.

Mr. Wilson argues that the criticism towards the *New York Times* is partly caused by the overall negative stance towards the media ('No one says "Oh, I really like the way the media handles me"'), and by the rigidity of the interviewees' positioning, in which not only the facts that clash with the rigidly defined reality held by the interviewees are denounced, but also the sender of these facts ('even though the same newspaper might have printed their belief too'). The latter argument corresponds to the analysis of this research and the answers provided by the interviewed stakeholders.



### 6.3 Conclusions and outlook

The first part of this chapter has shown that, while all interviewed stakeholders believe that the media play an important role in the public debate, there is a difference in how they perceive the nature of this role. Whereas some see the media essentially as an independent entity that effectively sets its own agenda, others — from both sides of the debating arena — argue that the media's agenda is set by either those critical of the police or the police themselves, the latter mostly depending on the stakeholder group to which the interviewee belongs. It is important to note that the first scenario, i.e. a position/role that is relatively 'independent from other stakeholders', does not entail overall objectivity, as the media are still shaped by their own prejudices (either 'mainstream', 'corporate' or 'anti-police', depending on the vantage point) and therefore have their own agenda. In addition, objective media reporting is also constrained by a lack of professionalism, reporting skills and capacity, according to some interviewees. Moreover, and more importantly, most interviewees argue that 'independent' media are driven by sensationalism, extremities, and controversy, and hence are not interested in informed opinions and background information. From a more positive perspective, the media also listen best to organizations with credibility and clout, although this is only brought up by Mr. Dunn, who is mainly referring to the credibility and clout of his own organization. Others do not focus on this aspect, or even refute the fact that the media pay attention to credibility.

In the second scenario, i.e. that of the media as a 'tool', the media are manipulated by aggressive techniques such as behind-the-scenes strategies including exclusion of journalists by the NYPD, the presentation of false or incriminating information, and behind-the-scenes relationship-building with friendly commentary journalists. In addition, the media are also manipulated by more visible strategies such as the deliberately harsh, yet 'easily quotable' rhetoric deployed by some police critics. Some of these influences are also to the advantage of the media, which shows the interdependent relationship between the two.

While it would appear that all these different forces — originating from both sides of the debating arena — must result in an overall balanced press coverage, this is only mentioned by Mr. Dunn and Mr. Testagrossa (the latter merely referring to the *New York Times*). Conversely, regardless of which role they ascribe to the media, all interviewed stakeholders see the media as an opposing 'them' in the debate, as they, in their view, report inaccurately, subjectively, and either too infrequently and superficially or too frequently and aggressively about police conduct issues, while exacerbating contrasts such as the schism between 'us' and 'them'. In fact, in their view, it is the role taken by the media that results in such reporting, and in coverage that reflects a skewed, rigidly delimited, but also polarized reality held by either those that work for the media, or by those manipulating the media. On all occasions, this perceived reality clashes to a certain extent with that of the interviewed stakeholders, and, in their opinion, portrays their stakeholder group in an unfavorable way.

All of the assertions above also apply to the aftermath of the Sean Bell shooting, according to the interviewees. More specifically, police critics, and to a certain extent Mr. Testagrossa as well, believe that the media reported in favor of the police by portraying Sean Bell, the other victims, and the police critics at large in a negative way by using loaded language and by reinforcing prejudices, while preferring sensationalism/emotions over informed opinions. Moreover, they accuse the media of not adequately focusing on the misconduct of the officers and the handling of the case by the NYPD and the mayor. The NYPD and the police defenders, conversely, maintain that the reporting on the Sean Bell shooting was mainly anti-police, as the shooting is magnified and polarized by the media, who also inaccurately reported on aspects of the shooting such as race, while incriminating the implicated police officers and portraying the NYPD at large in a subjective, polarizing and 'cold' way. Moreover, like the police critics, they also believed the media preferred sensationalism over informed opinions in their portrayal of the Sean Bell shooting.

It is interesting that both the interviewed police critics and police defenders argue that the media coverage is detrimental to their own positioning, especially their desired outcome of debate (not bringing 'justice', 'fairness' or 'appropriateness'), while affecting both the process of debate in the public and in court in a negative way. Whereas police critics maintain that prejudices are reinforced and people are turned against the victims, ultimately leading to victimization, police defenders and the NYPD maintain the exact opposite. Also of interest is how some of the effects caused by the media are mentioned by interviewees from both sides of the debating arena, such as inflammation, escalation, simplification, and an exacerbation of emotions, prejudices and an 'us-versus-them' schism. On a personal level, the reporting results in negative perceptions and a lack of confidence in the media, while interviewees literally shield themselves from the realities presented in the coverage.

What does the overall negative perception of the media tell about the communication conveyed by them? This question is hard to answer, as these negative perceptions are to a certain extent the result of the rigidly defined reality held by the interviewees: While they dismiss perceptions and interpretations in the media that are not in line with their own, those perceptions and interpretations that are in line with their own are considered to be merely the truth. The different stakeholders hence almost automatically label the media as 'them', although some interviewees could not even bring up specific examples of negative reporting. In a positive sense, the media, and in particular the *New York Times*, conveyed a balanced picture of the shooting, as the coverage comprised elements of the different truths on the event, to which stakeholders who hold a rigid conception of reality protest against.

However, the overlap between some of the perceptions discussed in this chapter, not only between the different interviewees, but also with the analysis of Mr. Wilson's interview responses, revealed more of the specific role played by the media/the *New York Times* in the debate that ensued

after the Sean Bell shooting. More specifically, the analysis of divergent interview responses suggests that the media's news- and controversy-driven reality (including a focus on controversial issues of race) results in coverage that magnifies the controversy and human-interest level of the shooting, while exacerbating emotions and contrasts between 'us' and 'them' in the written articles and consequently also in the public debate.

Yet it is important to note that the *New York Times* does not purposely take sides in its day-to-day reporting. The analysis of Mr. Wilson's interview responses particularly has shown that the desired outcome of debate held and conveyed by Mr. Wilson is both self-centered and public-centered, i.e. 'to find and report the facts', which in itself is not anti- or pro-police, as his perceptions are transitional, in contrast to the static perceptions conveyed by both police critics and police defenders. However, the 'unlimited space' given to unusual police conduct, such as the Sean Bell shooting, results in a skewed pattern of negative 'unusual' NYPD news taking precedence over normal conduct, while also exacerbating unusual/negative images of both the NYPD and others involved in such incidents, ranging from a focus on '50 shots', to the background of the victims.

The analysis has also shown how Mr. Wilson's coverage to a certain extent is shaped by both those who explicitly seek media attention, such as Mr. Sharpton and Mr. Barron, and those who have the facts on the shooting (the NYPD) but also by the specific newsworthy, sensationalist, human-interest character of the event, as this type of information is assumed to be what the *New York Times*' readers prefer to read.

From these conclusions it can be deduced that the *New York Times* quotes analyzed in this research do not reflect the totality of communication, but rather the stakeholders' focus of communication, combined with the *New York Times* focus on newsworthy, unusual, human interest, and at times even sensationalist news. Combined, these forces explain the difference in volume between Mr. Sharpton's statements and that of Police Commissioner Kelly in the *Times*, while also giving insight into the fact that the latter is not quoted as offering an 'expression of sympathy' in the newspaper, contrary to the mayor, who specifically and consistently practiced conciliatory communication throughout the aftermath of the shooting, and is quoted as doing so.

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<sup>1</sup> Relevant speeches of Mayor Bloomberg can be found at: "News from the Blue Room," The Mayor's Office, accessed May 7, 2014, [http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?doc\\_name=/html/om/html/recent\\_events.html](http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?doc_name=/html/om/html/recent_events.html). Other stakeholders, however, are not able to provide such sources. While Mr. Browne promised to send me original speeches, he has not done so.

<sup>2</sup> Charles Barron, interview by author, October 5, 2009.

<sup>3</sup> Delores Jones-Brown, interview by author, October 6, 2009.

<sup>4</sup> King Downing, interview by author, October 9, 2009.

<sup>5</sup> Chris Dunn, interview by author, October 20, 2009.

<sup>6</sup> Paul Browne, interview by author, October 30, 2009.

<sup>7</sup> Mr. Browne promised to send me speeches with such expressions of concern, but he has not done so.

<sup>8</sup> Mr. Browne only confirmed that '50 shots' was a focal point in the media when I asked him about it, but then immediately moved on to a different topic. He did not bring it up proactively.

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- <sup>9</sup> Michael Palladino, interview by author, October 21, 2009.
- <sup>10</sup> Walter Liddy and Joseph Mancini, interview by author, October 15, 2009.
- <sup>11</sup> Gary Lemite, interview by author, October 15, 2009.
- <sup>12</sup> Charles Testagrossa, interview by author, October 19, 2009.
- <sup>13</sup> Michael Wilson, interview by author, October 13, 2009.



## Analysis for Chapter 7:

### The dynamics of communication — Cross-stakeholder appraisals

It is interesting to look at how the communication per stakeholder group is appraised by the other stakeholders involved in this debate. Such analysis can reveal the interactions between different stakeholders, and hence pinpoint developments that either hamper or accelerate the dynamic process of debate, as well as related consequences.

These cross-stakeholder appraisals will primarily be researched through the interviews held with relevant stakeholders (see the introduction to Part II for an overview). Only in the appraisal of the mayor's communication does the analysis incorporate some *New York Times* excerpts, as some stakeholders — primarily police critics — conveyed their assessment of the mayor's communication through the media.

The setup of the interviews was flexible, structured along the lines of a few open questions, the discussion of specific statements made by each of the stakeholders in the public debate following the Sean Bell shooting and — at the end of the interview — a brief discussion of my findings up until then.

This structure was purposely chosen, as it allowed interviewees to talk about an array of different aspects of the communication in order to reveal what interviewees believe is the focus of public debate. It is striking that almost all interviewees immediately speak about Mr. Sharpton and Mr. Barron on the one hand and Police Commissioner Kelly and Mr. Browne on the other, while they only rarely talk about the communication of judicial stakeholders, and usually only do so at my instigation. Whereas the judicial stakeholders are also appraised by the interviewees, it is not so much their communication, but rather their conduct that stands out in this appraisal.

In the comparative assessment of all the answers provided by the interviewees, certain reoccurring characteristics stand out. To start with, it is striking how most interviewees first speak of the general, often predictable role taken by other stakeholders in public debates ensuing from controversial police shootings such as that of Sean Bell, or, more generally, in debates concerning police–community problems. Other trends in the interviewees' responses include the characterization of the messages conveyed by the different stakeholders, not only after the Sean Bell shooting, but also in general. Interviewees also speak out on what the effects are of the communication on various developments, ranging from the effects on each of the stakeholder groups, but also, more generally, on the process of public debate, the judicial processes, and the relationship between the community and the police. More subtly, the interviews lay bare the immediate effects that statements made by others have on the interviewees.

The analysis will be structured along these four main components, i.e. the perceived role taken by stakeholders; their communication in general; their specific communication after the Sean

Bell shooting; and the effects of this communication. As each interview was unique in setup, execution, and response in order to reveal the deeper-seated perceptions of individual interviewees, as well as their broader response trends, the analytical structure of this section is thus not rigid either. In addition to the four research elements mentioned above, the following discussion at times also focuses on how interviewees believe that communication can be improved, and on the perceived restrictions of the communication of certain stakeholders, such as that of the NYPD. Throughout the analysis, the perceptions conveyed by the interviewees on the communication of other stakeholders will be compared to the preceding analysis of perceptions, interpretations and positioning.

An important factor that is taken into account in the following analysis is that the perceptions, interpretations and positioning held by each of the stakeholders can profoundly influence their appraisal of others. The appraisals presented on the communication and conduct of stakeholders are thus not universally held realities, but rather the product of the communication of others and that of the specific character of the stakeholder's own communication, which has been researched and discussed in the previous chapters.

## 7.1 Interviewees' appraisals of police critics

The character of the communication practiced by police critics after the Sean Bell shooting is a topic of discussion not only in this research, but also in the public debate. Police defenders especially, who see the conduct of police critics as part of a broader pattern of unfair criticism and unfair methods of, and motives for, conveying this criticism, convey their negative perceptions and interpretations on police critics frequently and profoundly through an array of media outlets, including the *New York Times*. These perceptions, discussed in Part II, Chapter 3, show a certain degree of overlap with the way the interviewed stakeholders appraise police critics during the conversations held with them. During these conversations, however, the interviewees were granted the opportunity to expound much more on how they — in retrospect — view certain aspects of the communication deployed by police critics, resulting in a better comprehension of the perceived role taken by police critics, the perceived effect that this role has on the communication put into practice by this stakeholder group, and how this communication, in turn, affects the overall public debate as well as related developments.

### MICHAEL PALLADINO

The most outspoken commentator on the conduct of police critics in the aftermath of the Sean Bell shooting is perhaps Michael Palladino, president of the New York City Detectives' Endowment Association. The *New York Times* quoted the union leader frequently on his appraisal of the conduct of police critics. During my one-on-one interview held with the union leader, Mr. Palladino dilates on his perceptions of police critics, while particularly focusing on the specific role taken by the group in the debate and the resulting communication.<sup>1</sup> The following excerpts exemplify this:

*Mr. Palladino explaining the processes that ensued after the Sean Bell shooting*

I tell you what shapes up. **The first thing that certain interest groups look for is 'Can we claim, whether it is or it isn't, can we claim that this is a racially motivated police shooting?'** It's the first thing. The first thing. **And the usual suspects round up.** People like **Sharpton**, this other guy here, the city councilman, **Barron**. What develops is **this swell of misinformation; it has nothing to do with the facts or what really occurred.** It is almost like they say: **"Let's not get the facts in the way of what we really want to say"**. All of a sudden it becomes **a forum for opportunists** to get their message out, when sometimes their messages and the facts don't coincide.

*Mr. Palladino speaking about how he disapproved of the role taken by William Thompson, city comptroller at the time*

I expect a politician at that magnitude to say: **There should be calm in the city, let's not rush to judgment, we have a great criminal justice system, let's let the justice system take over, and we trust the justice system.**

Yet, **for political reasons, or a window of opportunity**, right, here is [William] Thompson marching with Sharpton and you know, **trying to denigrate the cops.**



*Mr. Palladino giving details on the motives of those critical of the police*

**All of a sudden you see politics start to take shape. People start to draw lines in the sand, or start to choose sides, all for politics. All for politics.**

[...] Now, in the end, all Sharpton is really interested in is **money**. It's **all it comes down to: Stuffing their pockets with the taxpayers' money**. Because in the end, it all builds up to a civil lawsuit to sue the city of New York and he is their advocate and he is entitled to a few bucks. That is what it all comes down to. **So let's mislead the public; let's put out misinformation; let's boil the pot a little bit** — get everything going here.

*Mr. Palladino responding to my question as to whether he could name specific examples of the messages conveyed by police critics*

Well, as **I said racist, drunk, out of control, for absolutely no reason and they really, they really played up the story that he was getting married the next day.**

*Mr. Palladino giving details on communication techniques deployed by police critics*

**All detectives, actually, not only detectives but all New York City cops were being painted with a very broad brush as 'racist murderers'**, and what was frustrating to me was that nobody was really interested in **the facts or what really happened**, and that had not been established or had come out yet.

In Mr. Palladino's view, those critical of the police have a fixed, predictable role in the debate ('the usual suspects round up'), the roots of which can be found in unfair and opportunistic objectives held by this group, ranging from political aspirations ('for political reasons', 'all for politics'), to making money ('stuffing their pockets with the taxpayers' money') or other opportunistic motives ('a window of opportunity'). This role, in turn, is taken by two main critics, i.e. the Rev. Sharpton and City Councilman Charles Barron.

The role taken by police critics is clearly not in line with how the union leaders believe political community leaders should behave. More specifically, Mr. Palladino prefers a politician to communicate in the same way as Mayor Bloomberg did, particularly by conveying a panoptic 'us' reality, while saying 'there should be calm in the city, let's not rush to judgment, we have a great criminal justice system, let's let the justice system take over, and we trust the justice system'. This latter statement, in turn, is in line with the police defenders' optimistic interpretation of the judicial processes and their perception of the criminal justice system, as discussed in Part II, Chapter 3.

Due to the predictable position taken by police critics, the communication of this group becomes predictable too, as becomes clear by the generalist way the union leader speaks of public debate following the Sean Bell shooting ('The first thing that certain interest groups look for is ...') The excerpts above give insight into the perceived nature of this communication put into practice by police critics after the Sean Bell shooting. The communication of police critics — according to Mr. Palladino — comprises misleading assertions and false racial claims ('this swell of misinformation', 'let's put out misinformation', 'can we claim, whether it is or it isn't, can we claim that this is a racially motivated police shooting', 'racist, drunk, out of control') as well as inflammatory and unfair

communication techniques ('let's boil the pot a little bit', 'played up the story'), often specifically aimed to belittle the police ('trying to denigrate the cops').

It is also interesting to see how the union leader views the effects of the communication practiced by police critics. Throughout the interview, the union leader speaks frequently about this:

*Mr. Palladino giving details on the effects of police critics' communication on the public and judicial debate*

**The opportunists, they are creating racial tension in the city**, when three of the five cops involved in the shooting were people of color. People of color!

[...] So they are **poisoning the well. They are poisoning the jury pool and causing the public to get very angry and say hey, what are we paying these cops for, if they are going to drink and get drunk in clubs in the middle of the night and then they are going to shoot people that are unarmed and it is racially motivated, because all the cops are white, and the people who are shot are black.**

*Mr. Palladino giving details on the effects of police critics' communication on the police*

It does have a **chilling effect** on the members of the NYPD, because they **feel that the city now turns into a 'them-us' type of an attitude. They are fearful of being criticized or ridiculed for the work they are doing** and it is a dangerous job. Don't forget, in New York City on any given day, you have about 10 million people here, between residents, commuters, business people, tourists, you have 10,000 people [he means 10 million] and 40,000 cops. So just imagine how many times those big numbers of people — their paths cross and there is enforcement going on. **So it is very dangerous for these cops to feel like it is a 'them-us' ... and then they are going to hesitate.**

*Discussion of Charles Barron's role in the Sean Bell debate, and his specific statement 'We are not the only ones that can bleed'*

Mr. Palladino:

What I had to do then, to slow the avalanche down, is that **I had to go on a little bit of an attack on Sharpton, and people like Barron, because if you recall what Barron was saying, cops blood would eh ... cops bleed too and their blood was going to roll ...**

Michelle Knight:

**'We are not the only ones that can bleed'.**

Mr. Palladino:

**Yeah, right. So this guy here, who, like I said, took an oath of office to uphold the constitution, he is advocating violence against the police force**, the very police force that protects its constituents in the district that he represents. I often wonder if his constituency and his rhetoric march to the same beat. I don't think so. [...] I wonder if some of the hardworking people that live in Barron's district, if they really go along with his idea of **advocating violence against the police force**. So that is one thing. So he has **no credibility in my opinion**. In fact, **I don't think that anyone with any reasonable intelligence pays attention to Barron anyway.**

Mr. Palladino argues that the communication of police critics causes the public to get angry based on distorted facts and an overall skewed presentation of reality, while poisoning the jury pool and thus jeopardizing the fairness of the trial. This in turn leads to overall hostility and a schism between the police and community ('creating racial tension in the city', 'them-us type of an attitude'), police victimization ('They are fearful of being criticized or ridiculed for the work they are doing'), and ultimately police conduct as well as police safety ('So it is very dangerous for these cops [...] they are going to hesitate'). In addition, it leads to retaliation and a sharpening/escalation of the public debate, as Mr. Palladino felt that he had to respond to these harsh means of communication with equally harsh methods ('I had to go on a little bit of an attack on Sharpton, and people like Barron ... because if you recall what Barron was saying'), and also leads to a decrease in trust ('I don't think that anyone with any reasonable intelligence pays attention to Barron anyway'). The 'them-us type of an attitude' mentioned by Mr. Palladino is largely in line with the earlier discussed 'us-versus-them' schism, except that he focuses on the hostile 'them' component by placing 'them' in front of 'us', hence concentrating on how the police have to operate in a hostile world and how this leads to police victimization.

In addition, the excerpts above also lay bare some of the direct effects of the communication practiced by police critics on Mr. Palladino. For example, Mr. Palladino links Mr. Barron's incitement to violence to the suggestion that Mr. Barron has no credibility. In other words, Mr. Barron's harsh means of communication result in Mr. Palladino's negative response/rejection of the reality conveyed by the city councilman, by focusing on the character of communication, and not on the criticism itself. From a broader perspective, the perceptions above can be seen as a response to the police critics' passionate oratory, harsh means of communication, and their rigidly delimited desired outcome of debate and reality. Moreover, Mr. Palladino's disparaging, harsh characterization of the Rev. Sharpton and Mr. Barron throughout the interview can be seen as a 'direct' retaliation to such harsh means of communication, in line with the retaliation in the public debate, as referred to by the union leader. The character of Mr. Palladino's interview responses for that matter show stark resemblances with the union leader's statements in the *New York Times*, as discussed in Part II, Chapter 3. From a broader vantage point, the communication of Mr. Sharpton and Mr. Barron on the one hand, and that of Mr. Palladino on the other, result in a downward spiral of action and reaction.

Another example of such an immediate effect can be found in the striking fact that — throughout the interview — the union leader continuously denounces all of the communication practiced by police critics by chiefly focusing on just two of them, i.e. Al Sharpton and Charles Barron, and, in addition, by focusing on just a portion of the criticism conveyed by these people. More specifically, he does not mention the police critics' focus on the number of shots without prompting, nor does he mention the more muted criticism exercised by critics such as Malcolm Smith. This can be viewed as a direct effect of the agenda-setting approach of the two police critics: The

passionate/harsh rhetoric deployed by both community leaders provides the union leader — from a strategic perspective — with an opportunity to simplify and then denounce both criticism and the diverse group of people articulating that criticism, or — from a spontaneous perspective — cause the union leader to see just the ‘misinformation’ and the harsh rhetoric used by those who are the most visible.

Only when asked about different groups does Mr. Palladino diversify, but again he chiefly focuses on the role of Mr. Barron and Mr. Sharpton:

*Mr. Palladino responding to my comment that the group defined in this research as police critics comprises a variety of different entities, including community leaders and the New York Civil Liberties Union, and to my question concerning which communication approach of these entities he preferred*

Let me just show you this **snowball effect**, the snowball going downhill and gaining speed and momentum and getting bigger. When **you get people like Sharpton, and Barron, they are doing a great disservice, because they are riling up the public and feeding them with misinformation** and what happens is people, eh, you know, people of New York City who are busy every day, running, getting up early, running to work, getting home, depending on the newspaper and the media to give them the news what is going on, they are all being fed misinformation. What happens then is, the public starts to get their feathers ruffled, then they start **to call on reputable groups like the ACLU [...] you know and other groups, you know, to raise an eyebrow and say, hey, there is a reason for concern here**, according to the Rev. Al, and according to this other character in City Hall, what is his name Barron. [...] **The whole thing now starts to snowball.**

What is noticeable first in the excerpt above is that Mr. Palladino does not actually answer my question, but instead focuses on the general communication processes, in which Mr. Sharpton and Mr. Barron play an important role. More specifically, the statement above shows how Mr. Palladino believes that both community leaders have a catalyst agenda-setting effect (‘The whole thing now starts to snowball’) in the Sean Bell debate. Although the union leader makes a distinction between ‘reputable groups’ and ‘people like Sharpton, and Barron’, he does not talk about the specific criticism conveyed by these reputable groups, only about how they act on false information provided by the two community leaders (‘to raise an eyebrow and say, hey, there is a reason for concern here’). In doing so, Mr. Palladino again focuses on those critics who are most visible in the debate, use passionate oratory, and who use harsh means of communication and rhetoric, which again lead to simplification and disparagement.

These immediate effects can also be interpreted from a different vantage point: The negative perceptions conveyed by Mr. Palladino are not merely the result of the communication of police critics, but also of the rigidly defined reality and desired outcome of debate held by police defenders, as well as the specific means of communication used by this group to ignore the reality held by police critics, by labeling the sender as unreliable and his objectives as questionable, as discussed in Part II, Chapter 3, resulting in the downward spiral of action and reaction mentioned above.

## WALTER LIDDY AND JOSEPH MANCINI

The Patrolmen's Benevolent Association was much less visible than the Detectives' Endowment Association in the public debate that ensued after the Sean Bell shooting and hence their perceptions of the role of police critics were not as widely disseminated through the media. Yet the appraisals of the police critics' communication by the two different police unions show distinct similarities, as becomes clear in the double interview held at the union's headquarters with PBA administrators/spokesmen Walter Liddy and Joseph Mancini.<sup>2</sup> The following excerpt shows how not only the perceived role taken by police defenders and the communication flowing from this are similar to that of the appraisal by Mr. Palladino, but also how the immediate effects of this role and communication on Mr. Liddy resemble that of the DEA president:

*Mr. Liddy responding to my question on whether he could describe the communication that stood out after the Sean bell shooting*

In this context, [I think that] **Al Sharpton**, or **Charles Barron**, especially, they are just **race baiters**, they are **race hustlers**, **they only get involved, especially with Mr. Sharpton, he only gets involved if there is a dollar to be made on** ... like a civil lawsuit, because he **always gets a piece of it**; maybe not so much Mr. Barron, because **he is ostensibly a city councilman**. But he comes from ... his **background is totally anti-police. It is almost as if they have a competition sometimes on who can latch on to a bereaved family first**. And usually Sharpton gets their first, because he is a lot more experienced and a lot more skilled at it. But **Al Sharpton, whatever he has to say, has absolutely no credibility**, and that is not only my opinion, but it is the opinion of anybody who has — and I have been a police officer for almost thirty years now — who has been around. **We remember Al Sharpton from the Tawana Brawley days**, and we remember him from the track suits, from the big medallion, from the flowing James Brown hair he used to have and he got all of this alleged credibility as a community activist from the media. He is part and parcel a **total creation of the media**, and he is a **shrewd conman**, and **he's parlayed this, his brand**, if you want to call it, **into Al Sharpton**, he comments on people. [...] In the media they go to Al Sharpton for comments on national affairs; and **he is a whole creation of the media**.

What is first noticeable in the statements above is that Mr. Liddy not only characterizes the group of police critics, but more widely, all communication that occurred after the Sean Bell shooting, by specifically zooming in on the role of Al Sharpton and Charles Barron. By doing so, he lumps together the different entities within the group of police critics, and moreover, he indirectly argues that the most profound, visible communication that occurred after the shooting is the unjust criticism conveyed by the two community leaders. This specific reaction shows stark resemblances with that of Mr. Palladino, who also focused on the communication of Mr. Sharpton and Mr. Barron. Moreover, similar to Mr. Palladino's reaction, the response above, in which Mr. Liddy simplifies and denounces the criticism of police critics, can be seen as an immediate effect of the agenda-setting/passionate oratory/harsh rhetoric approach of these two community leaders.

Mr. Sharpton and Mr. Barron, according to Mr. Liddy, have a fixed, reflexive and predictable role in the debate, the roots of which can be found in the making of money ('he only gets involved if

there is a dollar to be made', 'It is almost as if they have a competition sometimes on who can latch on to a bereaved family first'), as well as in 'anti-police' sentiments and other dubious motives ('he is a shrewd conman'). In addition, this role is, according to Mr. Liddy, self-assigned ('he's parlayed this, his brand ... into Al Sharpton'), while also shaped by the media ('total creation of the media'). The specific role leads to a certain amount of distrust by Mr. Liddy, similar to Mr. Palladino ('he is ostensibly a city councilman', 'whatever he has to say, has absolutely no credibility'), as he responds with mockery. While Mr. Liddy, in the statement above, does not expound on the messages sent out by police critics, he does denounce the communication methods deployed by both of these people, by using the terms 'race baiters' and 'race hustlers'.

Throughout the interview, Mr. Liddy and Mr. Mancini heavily expound on the police critics' fixed role, the reflexive, unfair communication, and their immediate perceptions of this. They do so almost solely in relation to Mr. Sharpton. To start with, the following excerpts are indicative of how the two interviewees see the fixed role of Mr. Sharpton, and their reflexive communication as a result of this:

*Both interviewees responding to my question: 'If you take aside the agenda, and just look at the statements [by police critics] and the communication in general, how would you typify that?'*

Mr. Liddy:

**Well you can't take the agenda away from the statements, because they read from the same script. If there is the least bit of controversy involved, in any kind of police-public contact, it is usually one that involves someone from the African-American community, and — it is never when it is an African-American police officer ...** *[interrupted by Mr. Mancini]*

Mr. Mancini:

Well it is ... in the Sean Bell case, an African American ... .

Mr. Liddy:

No, no, let me finish, we had two African-American detectives murdered years ago; they were in the firearms task force, they were making a gun purchase and they were just murdered. **Mr. Sharpton claims to be a champion of African Americans in general, a true leader and you never heard a peep out of him in sympathy or he didn't lead any marches to memorialize these two heroic African-American officers.**

*Mr. Mancini and Mr. Liddy speaking in general about the role of Mr. Sharpton*

Mr. Mancini:

**That's his profession,** he is good at it.

Mr. Liddy:

He is real good at it.

Mr. Mancini:

And you can't even blame him in the sense that you say **'he's doing his job'**.

[...] Mr. Liddy:

**The hucksters like Sharpton, it is almost like they follow a script** and he is on the six o'clock news, he is in the papers, all the tabloids, including the *Times*, they cover him, and **they give this man legitimacy that he has never earned**. He has never earned it.

[...] Mr. Liddy:

He used to **help Jesse Jackson who is the original huckster-in-chief, he served Jesse and he has made himself**, he is on national cable shows.

*Mr. Mancini and Mr. Liddy speaking about their experiences with Mr. Sharpton*

Mr. Liddy:

Al Sharpton is a joke. **In private, Al Sharpton is a personable guy. We have all met Al Sharpton.** He used to see Patty Lynch [the president of the PBA] when he was first elected, when he took over the union in '99. He would see Lynch at the Diallo trial up in Albany. We stayed in the same hotel. Sharpton and his crew and the DEA and the PBA and [he would say] 'What's up Pat, wait a second, let's not get our picture taken together, Lynch, otherwise you will not get re-elected.'

Mr. Mancini:

He goes on to say, 'This is not **personal, this is business**'. He is like a Mafioso. He wouldn't admit that to you, it is **nothing personal, this is business**.

Mr. Liddy:

[...] He is the **'go-to-guy'**. He is the **'easy quote'** and it is just sad.

*Mr. Mancini on Charles Barron*

Barron is a would-be Sharpton.

*Mr. Liddy talking about Mayor Bloomberg's initial statements on the shooting*

Again you'll have people like Sharpton and Barron and whoever, the agitators, **they don't need to create their own issue, they just quote Mayor Bloomberg**.

What is most noticeable in the statements above is how both interviewees profoundly emphasize the fixed role of Mr. Sharpton ('That's his profession', 'he's doing his job'). This role is interdependent with that of the press, as he serves as the 'go-to-guy' and the 'easy quote', while 'they give this man legitimacy that he has never earned'. In addition, this role (and that of Charles Barron) is interdependent with that of Mayor Bloomberg, as the mayor's communication enables both of them to latch on to the issue created by him ('they don't need to create their own issue, they just quote Mayor Bloomberg'). The role has a reflexively biased and hence predictable character, due to the one-sided and selective focus on controversial police conduct regarding 'any kind of police-public contact ... usually one that involves someone from the African-American community', while ignoring incidents

where African-American police officers are the victims of street violence ('and you never heard a peep out of him in sympathy or he didn't lead any marches to memorialize these two heroic African-American officers').

The role taken by Mr. Sharpton is not unique, according to the two PBA administrators. First, Mr. Sharpton succeeded Jesse Jackson, who, according to Mr. Liddy, positioned himself in a similar fashion to that of Mr. Sharpton ('the original huckster-in-chief'). Similarly, in Mr. Mancini's view, City Councilman Charles Barron aims to take the same role as Mr. Sharpton, but simply is less successful in doing so ('Barron is a would-be Sharpton').

What is also striking in the excerpts above is the reoccurring word 'script'. According to the two interviewees, the positioning of Al Sharpton is fixed, as he has a static 'agenda', which results in reflexive, and predictable communication, i.e. 'a script'. The agenda and the messages conveyed by Mr. Sharpton are thus interdependent ('Well you can't take the agenda away from the statements, because they read from the same script'). The resulting communication, i.e. the script, in turn, is not perceived as reliable and takes away the focus from the messages themselves. This becomes clear in Mr. Liddy's answer to my question asking if he could just focus on messages that stand out: As an immediate effect to the agenda-setting approach of Mr. Sharpton and Mr. Barron, he does not refer to the messages themselves, but again merely mentions the script.

Yet the interviewees also point out how this fixed role, as well as the communication that stems from this, does not necessarily reflect a 'spontaneous' positioning that results in 'spontaneous discourse'. Conversely, the rigid positioning and harsh language is 'not personal', but 'business', as Mr. Liddy points out: 'In private, Al Sharpton is a personable guy'. Furthermore, the anecdote of Mr. Liddy reveals how this concocted positioning and resulting harsh communication seems to emanate from a mutual agreement between the unions and Mr. Sharpton. From a broader perspective, the excerpt above suggests that the roles of police defenders and police critics — and the consequential dynamic interaction between the two groups — are to a certain extent staged for the benefit of both.

The fixed role taken by Mr. Sharpton — as well as the agenda held and the script conveyed by the reverend — are closely related to the lack of credibility, the effect mentioned by Mr. Liddy in the first analyzed quote. Throughout the interview, this lack of credibility plays an important role, like it did in the interview with Mr. Palladino. Mr. Liddy for that matter gives a detailed account of Mr. Sharpton's checkered past, while briefly mentioning other community leaders too:

*Mr. Liddy speaking about Mr. Sharpton's background*

They [Al Sharpton and his team] latch on to the families and they are not doing it out of the kindness of their hearts, like I said, they have house attorneys and **then they take control of the media machine and they take control of the eventual civil law suit.**

[...] Al Sharpton cut his teeth on Tawana Brawley. [...] All proven lies, the whole case is made up, and one of the attorneys got disbarred. Sharpton never paid, they lost the civil law



suit, and they lost the libel suit, and they never paid. He was involved in an incident on 125<sup>th</sup> Street. It was a clothing company called Freddy's and it was run by a white gentleman and they had a boycott at the store and he [Mr. Sharpton] was making fiery speeches up on 125<sup>th</sup> Street about white interlopers and what happens ... people get excited and somebody set the store on fire and killed several employees, all minority employees. **So Sharpton's reputation should have been shredded after those two incidents.** I'm talking 10, 15 almost 20 years ago probably, and it never was, and here he is you know, **he is a vulture when it comes to things like this ... a vulture.**

In the excerpts above, Mr. Liddy sketches an uncompromising picture of Mr. Sharpton's past, arguing that the reverend's previous actions have led to a perceived lack of credibility ('So Sharpton's reputation should have been shredded after those two incidents'). In other words, Mr. Liddy denounces the communication put into practice by Mr. Sharpton because he interprets the reverend's conduct within a historical pattern of lying (Tawana Brawley case), of inflammatory rhetoric that can lead to violence (125<sup>th</sup> Street incident), unfair means of communication ('then they take control of the media machine') and unjust motives ('they are not doing it out of the kindness of their hearts', 'he is a vulture when it comes to things like this ... a vulture'). This is in line with the characterization of police defenders' interpretations of the conduct of police critics as discussed in Part II, Chapter 3. In addition, the excerpts above show how the communication of Mr. Sharpton after the Sean Bell shooting, in retrospect, did nothing to change the interpretation held by Mr. Liddy: The immediate effect is disapproval. The character of Mr. Liddy's interview responses for that matter overlaps with the statements made by the PBA union leader, Mr. Lynch, in the *New York Times*, as discussed in Part II, Chapter 3. Mr. Liddy's appraisal involves a two-edged sword: The above excerpt gives equal insight into the rigid, static positioning of the PBA administrator and police defenders in general.

While some of the immediate effects have already been discussed, it is also interesting to see how both interviewees view the effects of the communication practiced by police critics such as Al Sharpton:

*Mr. Liddy responding to my question on whether he discusses with colleagues the specific police critics' communication that instigates violence (such as some of the protest signs)*

No, because we have been used to that for ... like I said I have been a police officer for 28 years and **that is standard**. That is a standard operating procedure [...] he has his house lawyers, he has his **house demonstrators**, you'll see **the same people**; [Mr. Liddy laughs] they respond to demonstrations be it in Brooklyn, or up in Manhattan or wherever something might happen, in Queens or Staten Island you know, **he has his paid professionals, I mean, they put those signs away for another day, they might change the names on some of them** and I'm not talking about the families, Mr. Bell's family, a lovely family and again, your heart breaks for them. **But yeah, that is just standard operating procedure, you don't give Sharpton another thought.** You expect Sharpton to come out and you expect [him] to say [what he said].

*Mr. Liddy responding to Mr. Sharpton's quote: 'We don't hate cops, we don't hate race, we hate wrong; there is a difference between peace and quiet: Quiet means shut up, quiet means suffer in silence, peace means justice, we want peace but we won't get quiet until we get justice'*

**He doesn't mean a word he says.** When he chants 'No justice, no peace', what is the underlying meaning behind that? What does peace mean? **Those words mean nothing.** Peace means **'If we don't get what we want there will be no peace'**. So, no peace means 'What is the opposite of peace'.

*Mr. Liddy responding to my question: 'If you look at the feelings within the community, how would you have preferred that they convey their criticism'?*

You judge police officers like you judge members of the community. We want the same rights. **We don't want to be prejudged you know;** maybe just give us **the benefit of the doubt**, because nobody knows the community better than the police officer who works there five days a week, you know, nine hours a day, and when these controversial cases happen you know what we lost, since I've been a police officer, [it] is the benefit of the doubt and it's a shame because all these cases get magnified and again the race baiters and the hucksters like Sharpton ...

The first excerpt show how the perceived predictable, harsh communication practiced by Al Sharpton deflects the actual message communicated by police critics ('you don't give Sharpton another thought'). In this excerpt, Mr. Liddy in fact specifically reiterates the predictable communication of police defenders ('his house demonstrators, you'll see the same people', 'he has his paid professionals ... they put those signs away for another day, they might change the names on some of them'). What is also striking is how Mr. Liddy groups Mr. Sharpton together with those who carry signs that incite violence, while Mr. Sharpton's rhetoric itself does not do so. This again shows how all police critics, as well as the diverse methods used by them, are grouped together, as an immediate response to the harsh rhetoric.

The second excerpt again shows how the communication itself is perceived as unreliable ('he doesn't mean a word he says'), and moreover, is not understood ('those words mean nothing'). The rhetoric acts as noise, as it deflects the actual message sent out by Mr. Sharpton. The only message that the statement does communicate to Mr. Liddy, is that the police critics hold a rigid conception of justice and use aggressive means to accomplish this desired outcome of debate ('If we don't get what we want there will be no peace').

The third excerpt shows the effect the communication does have: The victimization of police officers, who feel 'prejudged' and not given 'the benefit of the doubt', which in fact is a predictable response by police defenders, as Mr. Liddy's remarks, especially concerning prejudices on police work, reflect the statements by Mr. Lynch discussed previously.

Only when asked about other police critics, such as the New York Civil Liberties Union, does the PBA administrator give details of his perceptions on this group:

*Mr. Liddy characterizing the NYCLU*

Well, I have always respected the Civil Liberties Union, because their agenda is ... **they have a history. I see them as legitimate. I see them as biased. They never seem to come down on the side of an aggrieved police officer ever. I don't recall them ever offering assistance to any of my officers that might have gotten their rights violated,** and the department has a tendency, in our opinion, to violate our officers' civil rights sometimes, but **I give them more credence for what they do, and I understand where they are coming from,** and what their agenda is, **but they also have an agenda.**

*Both interviewees answering my question on why the Police Department appears to be more positive about the NYCLU than about Al Sharpton*

Mr. Liddy:

Yeah, but the head of the New York Civil Liberties Union, Chris Dunn, he tends to sue Kelly a lot and tried to depose him.

Mr. Mancini:

And Kelly does have personal grudges.

Mr. Liddy:

Yeah he is definitely a grudge holder but see **they tend to go after Mr. Kelly directly.**

Again, the New York Civil Liberties Union has a specific role in police shooting debates, as they respond in a calculated ('but they also have an agenda'), and reflexively biased and one-sided manner ('They never seem to come down on the side of an aggrieved police officer ever. I don't recall them ever offering assistance to any of my officers that might have gotten their rights violated'). However, due to their previous actions and communication ('they have a history'), the PBA administrator does not question their credibility to the same extent as he does with Al Sharpton and Charles Barron ('I see them as legitimate', 'I give them more credence for what they do, and I understand where they are coming from').

Although the last excerpt tells more about how both interviewees believe the Police Department perceives the NYCLU, as further discussed in this section and the following section, it also — indirectly — gives insight into how the PBA administrators perceive the role of different police critics. While the NYCLU criticizes general NYPD procedures on a frequent basis, and is thus directly pitted against the department, Al Sharpton gets involved in individual police-misconduct cases, and is thus pitted not so much against the department, but directly against the unions. Although Mr. Liddy does not directly disclose the latter part of this deduction, the fact that the PBA administrator focuses almost entirely on Mr. Sharpton during the interview, and not on the New York Civil Liberties Union, does allude to this. This, in turn, also gives insight into the rigid positioning of both the NYPD and police defenders, who are structurally antagonistic to those systematically critical of them, leading to a downward spiral of action and reaction.

## GARY LEMITE

In the interview held with Gary Lemite, an experienced NYPD Detective of Haitian descent, whose experiences as a Housing Authority police officer in Brownsville have been depicted in a book *The Ville*, many of the perceptions discussed above are echoed.<sup>3</sup> To start with, Detective Lemite, like other interviewees, focuses strongly on the fixed role taken by police critics in the debate that ensued after the Sean Bell shooting. The following excerpts detail this:

*Detective Lemite describing the role taken by police critics in debates such as that of Sean Bell, as well as the background of that role*

**Those are all people that are looking for a payday.** And if they are not getting paid today, they are aligning themselves for it tomorrow. **That is all Sharpton does, every course that he is involved in, he takes a slice of the pie. And that's what Barron will do, if he is not doing it already. They all have an agenda.** They are all looking to get paid.

[...] **I do believe that Al Sharpton hates cops. I mean, historically ... everything he does is anti-cop. He has an agenda, so I don't believe he does not hate cops.**

*Detective Lemite commenting on the statements I read to him made by police critics*

To me the bottom line is [that] almost **everybody you mention has an agenda and they represent their people and they are never happy with everybody.**

*Detective Lemite speaking about the '100 Blacks in law enforcement who care', one of the entities critical of the police*

**To me, they are one of these organizations that draw conclusions immediately. Before the investigation is done. The police are always wrong.**

*Detective Lemite responding to the previously discussed quote from the Op-Ed article by Mr. Leuci: 'Of course, this makes little difference to those like Al Sharpton who have made careers out of demonizing the police. Whenever something like this happens, the professional police haters will hold their rallies at 1 Police Plaza; people will come with signs comparing the department to the Ku Klux Klan. The signs are sometimes clever but always mean-spirited and reflecting a calculated rage; any thinking person knows that they are self-serving nonsense'*

I can relate to what he says, [...] because it's pretty much what I have been saying. **There is an agenda, the conclusions are drawn right away, before the facts are all out and there is money to be made.**

The statements above show how Detective Lemite — similar to other police defenders — strongly focuses on the perceived fixed, reflexive and predictable role ('they represent their people') taken by police critics. This role is shaped by an 'agenda' that is driven by money ('Those are all people that are looking for a pay-day', 'there is money to be made') and by anti-police sentiments ('historically ... everything he does is anti-cop'), which results in reflexive, predictable communication ('they are never happy with everybody', 'the police are always wrong'), and equally reflexive and predictable means of communication ('conclusions are drawn right away').

The fixed, predictable role and correlated agenda taken and held by police critics, as well as the consequential nature and means of communication, have an immediate, negative effect on the perceptions held by Detective Lemite, which becomes clear in this specific fragment, in which the detective links a historical interpretative framing to his current perception: ‘I do believe that Al Sharpton hates cops. I mean, historically ... everything he does is anti-cop. He has an agenda, so I don’t believe he does not hate cops’.

Throughout the interview, Detective Lemite focuses particularly on his disapproval of the methods used by police critics:

*Detective Lemite speaking about how the communication of police critics comes across to him*

Well, to me personally. **I don’t always disagree with them.** Sometimes, you know ... Sean Bell, very ugly [situation], black guy from the department, situation got out of hand, somebody died, I wish it didn’t happen. [...] **But the way they go about it, I don’t agree with it. They really stir up anti-police [feelings].**

[...] I mean, I don’t believe **throwing gasoline on a situation** is going to make it better. [...] I don’t see how that could ever work and I think you have to work at every situation on its own and **you can’t lump these things up that happen across the country, across the world, different states, different parts of the city.**

*Detective Lemite responding to the previously discussed Charles Barron quote: ‘We are not the only ones that can bleed’*

If you tell somebody that ‘We are not the only ones that can bleed,’ **that is a threat** ... and for a person like **Barron who’s had past ties with radical affiliations**, it is most scary and you’re supposed to look at that person as a government official. **It kind of makes you sick in the stomach.**

In the statements above, the detective specifically points out that the perceptions held by police critics on certain incidents, such as in the Sean Bell case, do not always conflict with those held by the detective himself (‘I don’t always disagree with them’), but that he strongly disapproves of the methods used (‘But the way they go about it, I don’t agree with it’, ‘It kind of makes you sick in the stomach’). More specifically, Detective Lemite argues that the passionate oratory used by police critics (‘inflammatory’, ‘throwing gasoline on a situation’), and the specific interpretative framing conveyed by this group (‘you can’t lump these things up that happen across the country, across the world, different states, different parts of the city’) escalates the public debate, while he argues that Charles Barron’s remark is a direct ‘threat’ towards the police. These perceived characteristics show stark overlap with those discussed in Part II, Chapter 1.

From a broader perspective, the excerpts above lay bare what the immediate effects are of these specific communication characteristics on the detective. The passionate oratory, the incitements to violence, and the interpretative framing held by police critics that the Sean Bell shooting is part of a historical and organic pattern of police shootings, police misconduct, racial profiling and racial injustice in the broadest sense of the word, immediately lead to Detective Lemite’s rejection of a

message based on the way it is conveyed, and the background of the sender ('Barron who's had past ties with radical affiliations'). Yet inflammation and generalization also have an effect on the public debate in a broader sense, as Detective Lemite points out during the interview:

*Detective Lemite speaking about the effects of the passionate oratory deployed by police critics and the interpretative framing held by this group*

I've seen it actually so many times right after this incident to the present where you hear '**41 shots**', things like that or '**remember Sean Bell**'. I can go back 18 years ago when [I was] just doing my day being on patrol in Brownsville and people were saying **before there was any dialogue, before anything was even said, the first thing that'll come out of someone's mouth was 'Rodney King'**, which is an incident that occurred across the country, that had nothing to do with us in New York City and we were lumped into that, **we were lumped into that fire** [...]. So none of those incidents really appeared to help the police in looking for a little kid that's lost, or hunting for a murderer. **All of this sends us backwards.**

**When we interact with the community, it is starting off bad already, because they just remember the things that get said about the police, and it is an obstacle we have in basic interactions with communities, they are already disliking the police.** [...] It definitely is a factor quite often.

[...] I guess it makes you just be a little bit more careful, because you know what is going to happen if something goes bad. You know what is going to happen, what is expected. **There is going to be a march, there is going to be this big media thing, so maybe it makes cops be more careful,** [...] and they are always looking for cameras, now it is cell phones, everywhere you turn there is a camera. [...] It just makes people a little bit more aware, you are always thinking about these issues. **You are expecting confrontation.**

In the statements above, Detective Lemite argues that the communication by police critics, and particularly the use of passionate oratory and the historical interpretative framing held by police critics on police shootings ('we were lumped into that fire'), has a detrimental effect on day-to-day encounters between police and community ('and it is an obstacle we have in basic interactions with communities, they are already disliking the police'), while contributing to the apprehension of police officers ('I guess it makes you just be a little bit more careful ... You are expecting confrontation').

Some of the (immediate) effects of the police critics' communication are also revealed when, during the interview, the detective is presented with some of the statements made by police critics in the public debate:

*Detective Lemite responding to the Rev. Sharpton's quote: 'We don't hate cops. We don't hate race. We hate wrong. There is a difference between peace and quiet. Quiet means shut up. Quiet means suffer in silence. Peace means justice. We want peace, but we won't get quiet until we get justice'*

**It almost sounds like poetry. And eh, what does it all mean? I don't really know. Again, I think he has just got an agenda to stir the pot, to keep things going, and ultimately to make money. Al Sharpton has no credibility with me.**

*Detective Lemite responding to the Rev. Jesse Jackson's quote: 'This is a symbol. Not an aberration. Our criminal justice system has broken down for black Americans, and the young black males'*

I don't agree with it. It is obvious now [from] everything that I hear that it was a mistake. It went bad, no gun was recovered. But eh, **I don't think that statements like that help. We go backwards when people of power, people that are supposed to have credibility, talk like that. And they talk like that in churches, in public forums. [...] They are just anti-cop, because of inflammatory statements like that.**

*Detective Lemite responding to the previously discussed Charles Barron quote: 'We are not the only ones that can bleed'*

**It kind of makes you sick in the stomach. You know, the man loses credibility.**

*Detective Lemite responding to Harry Belafonte's quote 'It is indeed a sad statement that we have to, after 300 years, still be gathering to query, look for and demand justice. [...] Racism is the root of most of the evils that ruin this country'*

A person like Harry Belafonte is a guy that I suspect walks into a restaurant and probably doesn't even pay for his meal. They are probably dying to get his picture up on the wall, everybody is kissing his ass; he is living in the south of France **and he is out of touch with reality** and then **he'll read some little article in the newspaper and does he really know what's going on? I don't think so. Does he walk down these streets? I don't think so.** Maybe 5th Avenue in New York City, but I don't think he is walking around Jamaica Queens.

*Detective Lemite responding to my question on whether he discusses with colleagues the specific police critics' communication that instigates violence (such as some of the protest signs)*

**Things that disturb us, I'm sure. But we talk about it once in a while, sometimes we laugh about these things. Does it bother us? Yes of course it does. We are supposed to be thick-skinned, but nobody wants to be looked at that way.**

The excerpts above lay bare the perceived effects on police–community relations, and the immediate effects that occurred during the interview. To start with the former, Detective Lemite argues that the specific statements do not contribute to the relationship between community and police ('I don't think that statements like that help') and lead to a 'loss of credibility' and also police victimization ('We are supposed to be thick-skinned, but nobody wants to be looked at that way'). As an immediate effect, Detective Lemite's response also shows how police critics' rhetoric acts as noise, overshadowing the message itself ('It almost sounds like poetry. And eh, what does it all mean? I don't really know') and how the rhetoric used reinforces held perceptions of police critics, regarding their held agenda ('I think he has just got an agenda to stir the pot, to keep things going, and ultimately to make money', 'They are just anti-cop, because of inflammatory statements like that'), the predictability of communication ('And they talk like that in churches, in public forums') and the ignorance of police critics of what is going on ('he is out of touch with reality', 'Does he walk down these streets?').

In the interview held with Detective Lemite, he also makes some suggestions as to how the communication of police critics should change:

*Detective Lemite responding to my question on how he would change the communication of police critics*

**First slow down in doing an investigation and drawing conclusions**, and when things don't go your way, and there is no money to be made, then maybe it is also time to speak up. [...] **You only hear from Sharpton and Jessie Jackson when they are looking to — usually — beat up the police. But there is [sic] a lot of things going on, and what are they doing to stop all this violence?**

*Detective Lemite responding to Police Commissioner Kelly's quote: 'I can't afford to have a visceral reaction ... I am in charge of a 52,000-person organization. I am also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need the investigation to go forward as quickly as possible'*

**That is what I would like an Al Sharpton to do.** The police commissioner, what he is saying, I have to go with what he is saying, he is saying he is **waiting for all the facts to come out, he has to review everything, it is a very lengthy process, you have to get whoever is interviewed by the media, we also like to interview them** [*explains procedural rules*]. **So, to me the most important thing is to be thorough, especially when someone dies.**

What stands out in the statements above is how Detective Lemite believes that the police critics should take a role in the debate that does not conflict with his own reality, i.e. a role similar to that of the police commissioner, who focused on the investigation rather than on the effects of the shooting on the community, or the historical pattern of shootings. Moreover, communication would become more credible to Detective Lemite if it was less predictably one-sided ('you only hear from Sharpton and Jessie Jackson when they are looking to — usually — beat up the police').

#### PAUL BROWNE

During the personal interview held with Paul Browne at 1 Police Plaza, the New York City Police Department's Deputy Commissioner of Public Information is quite outspoken about the communication practiced by police critics in the public debate that followed the Sean Bell shooting.<sup>4</sup> In doing so, he mainly speaks in general terms about this group, although he does specifically denounce the criticism conveyed by Mr. Barron and the New York Civil Liberties Union, while lauding the communication efforts by State Senator Malcolm Smith, and, after I asked him about it, also the efforts of Mr. Sharpton. During the interview, Mr. Browne does not explicitly point out that the role of police critics is 'predictable' and 'fixed', as the interviewed police defenders did. However, the spokesman's responses allude much more subtly to such a role, and hence this notion will be discussed throughout this brief analysis, rather than just at the beginning, as with previous interviewees. Conversely, Mr. Browne primarily focuses on the means of communication practiced and messages sent out by police critics, on the motives of police critics, and on the effects this communication has on both the public debate in general and on the NYPD specifically. These focal points will be discussed in this order.



To start with, the following excerpts give insight into the perceived strategies and messages deployed and conveyed by police critics, while also giving some insight into the motives of police critics:

*Mr. Browne expounding on some of the communication techniques deployed by police critics, both in the Sean Bell shooting, and in general*

Most critics of the Police Department **communicate through the press. Some are not really interested in communicating with the Police Department. Somebody like Barron for example, he is not particularly interested in communicating with the Police Department. He wants to communicate and get attention in the media.**

[...] **Generally speaking** our critics are not interested in real communication because when you **get into communication with the Police Department** that involves you know **maybe meeting in ways that attacks in the media aren't helpful** and they may have to forego those. So I would say for the most part it is directly staged **with the media to get attention for whatever cause it may be, and racism is a very explosive issue in the United States generally**, so when race is involved ... **that's why I think there were some efforts in some circles to downplay the racial make-up of the police officers involved because from some people's perspective it was too diverse for their purposes.**

[...] They would have preferred just, you know, the officer that shot the most was white, that is all they want to focus on. **It is pure, it is simpler for people to understand and it is this appealed notion of white racist cop, black victim. That's what some people would want, not to be confused, 'Well wait, there are other officers, some are black and some are Hispanic', but generally I think that our critics try to keep the story as simple as possible. Keep it with the police as the complete wrong-doers and the people that they are speaking on behalf of as completely faultless** and [...] try to convey that story whether it is Sean Bell or other stories, **that is generally the model.**

*Mr. Browne speaking about his experiences with the NYCLU*

Chris Dunn [Associate legal director of the New York Civil Liberties Union] **doesn't call me up** and say, hey what about this. **He just goes to the New York Times.**

*Mr. Browne giving details about the investigative process that took place after the Sean Bell shooting*

The bottom line is that the district attorney does not want us talking to any police officers who he may end up charging and I tried to convey that all the time. **There is a point where our critics, even if they know that's the fact, they will try to exploit that and make it look like we are trying to cover up stuff or ... 'why haven't you questioned your own officers?'**

In the statements above, Mr. Browne negatively appraises some of the characteristics of police critics' communication, i.e. the refusal to talk face to face ('Chris Dunn doesn't call me up'), the manipulation/agenda-setting of the media ('get attention in the media'), the use of harsh rhetoric ('attacks in the media'), the exacerbation of (racial) contrasts ('to downplay the racial make-up of the police officers involved', 'it is this appealed notion of white racist cop, black victim', 'the complete wrong-doers', 'completely faultless'), simplification ('it is simpler for people to understand') and the deliberate disregard of established processes/deliberate making of false accusations ('even if they

know that's the fact, they will try to exploit that and make it look like we are trying to cover up stuff"). The immediate effects of these strategies and messages include Mr. Browne's disparagement, but also the exacerbation of contrasts ('Keep it with the police as the complete wrong-doers'), although Mr. Browne does make slight nuances ('Generally speaking', 'that is generally the model').

While Mr. Browne does not explicitly mention in the statements above that the police critics have a predictable role driven by a fixed agenda, he does allude to this notion by subtly relating some of the police critics' disparagement, as well as their method of communicating such disparagement through the media, to 'broader-agenda criticism'. He does so by linking to broader patterns of the 'very explosive issue' of racism in the United States, but also by more literally disassociating the police critics' objectives from what is really at stake ('for whatever cause it may be', 'it was too diverse for their purposes'). Police critics thus have an agenda that causes them to communicate the way that they do. By describing general processes ('Generally speaking', 'that is generally the model'), while only to a certain extent zooming in on the Sean Bell case, Mr. Browne subtly suggests that the communication of police critics is predictable too.

Mr. Browne further details the broader objectives at other moments during the interview:

*Mr. Browne speaking about police critics' motives*

When elected officials have real power, their criticisms **tend to be more muted** and more **open to problem solving**, whereas if you have maybe elected officials who are not in a **powerful position or maybe seeking one** or somebody who is not an elected official **who is seeking elective office**, they will **be more vocal and less concerned about solution building**.

[...] There is still political interest that **doesn't want that accommodation, they don't want that success**. They want **to generate the old racial problems**.

[...] There are exceptions to that. Legislative leaders sometimes they work with the Police Department in a more **constructive fashion** not particularly just like making points in the media.

[...] For example, we had a shooting where a black police officer recently was chasing somebody with a gun, did not have his identification out, was shot by a uniformed police officer. So there were some of the same charges of white racism. In that case, **Malcolm Smith, the governor**, they work factually very **constructively, they voiced concerns about it in the media, but they also talked in terms of 'what happened here. Were there things ...'**. [They were] **more open to the notion [that] there might have been failures on the side of the officer who shot, as well**, in that he may not have identified himself. And are there things we can do in the Police Department to prevent those kind of shootings.

*Mr. Browne responding to my analysis of Mr. Sharpton's role in the debate as an 'agenda-setter'*

The *New York Times* holds itself out to be a news institution that **doesn't fall for that, in other words that it doesn't let people set agendas for it. So I'm not sure that Sharpton sets the agenda as much as it fits with the Times' agenda as well. In other words, there's a meeting of the minds there. He is giving them what they want.**

Although Mr. Browne only refers to the existence of ‘an agenda’ in the statements above once (‘In other words there’s a meeting of the minds there’), the spokesman does subtly suggest that such an agenda exists. In his description of the different objectives held by police critics, Mr. Browne clearly distinguishes between those who are ‘not in a powerful position’, ‘vocal’, ‘and less concerned about solution building’, and those who are elected officials in powerful positions who are more ‘muted’, but who are concerned about problem solving. Again, the broader-agenda criticism stands out: Those who criticize the police in the press are often ‘seeking elective office’ or a more powerful position, and have a destructive hidden agenda that does not lead to solution-oriented communication (‘doesn’t want that accommodation, they don’t want that success’), as it aims ‘to generate the old racial problems’. The statement above also gives some insight into the perceived character of the messages conveyed by police critics: Harsh and not purposed to create solutions. This is in line with the observations made in this research: Part II, Chapter 1 has demonstrated how the communication of State Senator Malcolm Smith seeks common ground more often, while that of less powerful people, such as Mr. Barron, and also the New Black Panthers, is much harsher and less conciliation-oriented.

Mr. Browne speaks extensively about the effects that the police critics’ communication has on the public debate and on the NYPD. The following excerpts detail this further:

*Mr. Browne speaking about how police critics’ communication affects the public debate and the NYPD specifically*

Well, I think there is a **danger** in [how] those individuals **get traction of continuing to try to describe police–community relations in these negative and distorted terms. Actually the Police Department more than any other city agency and more than any police department in America is more diverse and I guarantee it is more diverse than any police department in the world.** So we go to lengths to have a police department that reflects the city population. [...] **Our critics, who don’t tell the truth about that, [instead] foster this notion of this overwhelmingly white police department with all its officers living outside the city and coming in as a kind of occupation army.** That is the view that some of our critics in a shooting like this would try to portray. **It is a lie, I think it is dangerous to tell that lie repeatedly because it can have a kind of a self-fulfilling prophecy.**

[...] **If people in a community hear often from a representative [that] police are racists, they are just gonna believe it and maybe there are some that have negative experiences from their own, but to say repeatedly things that aren’t true about the Police Department, I mean that is bound to undermine community relations.** We work very hard at that. When I talk about community relations mainly in four neighborhoods in particular, that is where we get most calls for service, that is where people are calling saying that somebody is trying to kill them or breaking into their house or their car or whatever it may be. So we want those relationships to be good. **If we are portrayed in a drumbeat of being some sort of bad entity ... that hurts.**

*Mr. Browne commenting on my question on whether police critics’ communication affects the rank and file*

Well, I don’t think **anybody likes to be portrayed publicly as an ogre**, so I’m sure it ... you know ... it could ... I don’t know ... that’s hard to measure, [...] but I think that even without

measurements of it, it would seem that if people, **who purport to be in a responsible position, an elected official or a self-proclaimed community leader, describe the police in those terms it can't help but hurt to some degree.**

*Discussion about the communication between the NYPD and the NYCLU*

Michelle Knight:

So, do you discuss [your concerns and criticism] with the New York Civil Liberties Union? Are there meetings where you talk about this?

Mr. Browne:

Not really. Because they have basically become ... I have talked from time to time on the street to Chris Dunn. We talked occasionally, but I wouldn't say ... **It is mainly by countering the latest distortion or lie, by them.**

Michelle Knight:

But you don't give them a call, and say: look, what you are doing is ...

Mr. Browne:

Our lawyers do. [...] There is a lawyer in the Police Department who deals with him on a regular basis. They are into more contact than I am. Chris Dunn doesn't call me up and say, hey what about this. He just goes to the *New York Times*.

The excerpts above both lay bare the perceived effects on police–community relations, and the immediate effects that occurred during the interview. To start with the first, Mr. Browne maintains that the negative distortion of facts in regard to police conduct ('continuing to try to describe police–community relations in these negative and distorted terms'), the exacerbation of schisms ('foster this notion of this overwhelmingly white police department with all its officers living outside the city and coming in as a kind of occupation army') and the use of harsh rhetoric ('police are racists', 'portrayed publicly as an ogre', 'If we are portrayed in a drumbeat of being some sort of bad entity') can lead to a dangerous 'self-fulfilling prophecy', i.e. inflamed mistrust in the community ('they are just gonna believe it'), which has a detrimental effect on the way the police and the community interact ('bound to undermine community relations'). In addition, police critics' communication can lead to victimization ('that hurts', 'don't like', 'it can't help but hurt to some degree').

Yet the excerpts above also implicitly lay bare some of the immediate effects on Mr. Browne. Notable for that matter is how Mr. Browne responds to police critics' communication by extensively lauding the organization's own conduct ('Actually the Police Department more than any other city agency and more than any police department in America is more diverse and I guarantee it is more diverse than any police department in the world'), which shows a remarkable parallel to the NYPD's communication in the public debate in which the police commissioner made a similar remark, as discussed in Part II, Chapter 2: 'I think we have the best community relations that we've ever had, and

I think a lot of it has to do with diversity.’<sup>5</sup> Hence, police critics’ communication does not lead only to defensive, deflective laudatory remarks, it also leads to repetition and predictability.

In addition, the excerpts above also show how inaction leads to further inaction: While Mr. Dunn does not communicate directly with Mr. Browne, the latter does not communicate with Mr. Dunn either, which hampers the dynamics of debate. Moreover, the excerpts show how the communication practiced by police critics reinforces held perceptions of this stakeholder group, specifically regarding their held agenda, and the methods deployed, as well as in regard to the predictability of communication (‘It is mainly by countering the latest distortion or lie, by them’).

Mr. Browne also points out that communication that is not perceived as ‘predictable’ and, moreover, is not driven by a hidden, negative, agenda, is valued much better. Mr. Browne not only mentions State Senator Malcolm Smith, as discussed above, but also speaks fondly of Mr. Sharpton, after I turned the subject to his perception of the reverend.

*Mr. Browne responding to my remark that the police commissioner speaks much more positively about Mr. Sharpton than about the NYCLU in the media*

**Well, Sharpton acts in good faith and the New York Civil Liberties Union does not.** They are both critics, but **Sharpton is what I would call a good faith critic.** His word is good and he does not ... he’ll have a point of view and he will work to be constructive. The Civil Liberties Union will distort ... **they will use its status.** It is something relatively new. They used to be a much more responsible organization but now **they’re just competing for space with somebody like Al Sharpton. Their aim is to get in the New York Times.** In the past they didn’t do this. **They will make flat, false statements, with no supporting information.** They’ll say for example that we’ve infiltrated mosques throughout the city with the police force. That’s just a lie. They have no basis for saying it, **but they’ll say things like that repeatedly.** They’ll talk in **these exaggerated terms about police conduct, whereas Sharpton by comparison does not. I think Sharpton is more reliable.**

From a general perspective, Mr. Browne argues that credible critics without a hidden agenda (‘a good faith critic’, ‘I think Sharpton is more reliable’), who do not use harsh rhetoric (‘whereas Sharpton by comparison does not’) are better appraised than critics such as the New York Civil Liberties Union, who are led by false motives (‘they’re just competing for space with somebody like Al Sharpton’), speak in ‘exaggerated’ terms, tell lies (‘They will make flat, false statements, with no supporting information’) and moreover, act predictably (‘but they’ll say things like that repeatedly’).

By looking closer at the persons/organizations Mr. Browne associates with these roles, it is interesting to see that the police spokesman appraises Mr. Sharpton in exactly the opposite way than the interviewed police defenders, who maintain that the reverend is unreliable, predictable, and uses inflammatory rhetoric. A reason for this discrepancy can be the vehemence and frequency of criticism, as well as the rigidity of the NYPD positioning, as discussed previously.

## LOURDES VENTURA

Whereas State Senator Malcolm Smith has been labeled a ‘police critic’ in this research and the analysis of this section specifically focuses on cross-stakeholder appraisals, it is still interesting to look briefly at the interview held with Lourdes Ventura, who works as Counsel for Latino and Immigrant Affairs for the state senator. She was responsible for production of the report *Improving Public Confidence in Law Enforcement and the Criminal Justice System*, which detailed the findings of the New York State Tri-level Legislative Task Force commissioned by Mr. Smith in response to the Sean Bell shooting.<sup>6</sup> As there is much diversity between the different police critics, it is interesting to see what her views are on those critics who are more fanatical than State Senator Malcolm Smith.

It is important to note that Ms. Ventura was a relative outsider in the debate that occurred just after the shooting, and therefore is not able to bring up specific examples of communication. Moreover, during the interview she did not respond to specific quotes, like other interviewees did.<sup>7</sup>

Unlike other interviewees, Ms. Ventura does not single out specific persons such as Al Sharpton and Charles Barron in her characterization of the group of police critics. Instead, she speaks in more general terms about some police critics and about the general communication processes that occurred after the Sean Bell shooting:

*Ms. Ventura speaking on general processes after the Sean Bell debate*

**The first thing that you see is the accusations ... just from observing the news and stuff like that.** Every time something happens with the investigation of the incident [...] it sounded like ‘**There goes the police again**’, [and] ‘Oh they are getting away with something’; the community being **angered** by those steps, that they felt weren’t really being investigated the way they should have, or stereotypes maybe that were involved in this incident.

*Ms. Ventura speaking about other police critics*

**There are definitely those who are strongly pointing fingers at the NYPD, and saying ‘it is your fault, you know, fix it’. But it is just not that simple.** That is when you really have to work together to try to get the NYPD to look at their practices and their procedures. They are an institution that have been around for a very long time, the NYPD, **so just one person pointing a finger and then telling ‘Oh no, you got to change this and that’, that is not going to happen, I think.**

In these excerpts, Ms. Ventura acknowledges the rigidly defined reality held by some police critics on police culpability in regard to general police–community relations problems — of which the Sean bell shooting is part — as well as the rigidly defined reality concerning the solutions for these problems (‘it is your fault ... fix it’, ‘Oh no, you got to change this and that’). In addition, she mentions the interpretative framings held by these critics (‘there goes the police again’), and she also subtly refers to the vehemence of the rhetoric and the passionate oratory used by this group (‘The first thing that you see is the accusations’, ‘those who are strongly pointing fingers at the NYPD’, ‘angered’). All these facets together, in Ms. Ventura’s view, result in communication that is not effective: ‘But it is

just not that simple’, ‘that is not going to happen, I think’). Her observations give both insight into her own stakeholder-centered, coalition-oriented positioning and that of State Senator Malcolm Smith in the debate, and — from a different vantage point — into how she believes that rigid communication has a detrimental effect on the overall process of debate and its outcome.

#### CHRIS DUNN

Similar to Ms. Ventura, New York Civil Liberties Associate Legal Director Chris Dunn also appraises other police critics from a partly stakeholder-observant perspective during the interview held with him.<sup>8</sup> In his appraisal, he focuses on the role of Al Sharpton and Charles Barron, similar to the interviewed police defenders. Yet unlike the latter group, he does make a distinction between the way both police critics communicate in police shooting debates such as that of Sean Bell.

To begin with Mr. Dunn’s analysis of Mr. Sharpton’s role, the NYCLU director sees a profound difference between past and present communication:

#### *Mr. Dunn characterizing Mr. Sharpton’s communication*

Well, you know, **Sharpton is not the person he was 10 years ago** in terms of being an activist in the city. He is much — and I don’t say this is bad — but **he is much less confrontational, much less involved with local issues** and for better or for worse, **we are probably, the institution that is most often saying critical things about the Police Department** and Kelly and Browne really, really don’t like that.

[...] **He is walking both sides of the street with the department.** I think he is generally friendly with Commissioner Kelly and I think that at **some level there is a mutual need there because Sharpton, unlike what he was like 10 years ago or 15 years ago, he is now operating in a world where having the kind of legitimacy, of having a relationship with the police commissioner is important to him.** And Kelly certainly benefits from having Sharpton at the very least not being as vocal a critic as he has been for a long time. There are big incidents like this where Sharpton is out there and **he is making noise, effectively so, but on a lot of issues he is just not playing a big role either because he doesn’t see the issue or because he just chose not to get involved.**

Mr. Dunn observes that the communication of Mr. Sharpton on police–community issues has not only become much milder (‘less confrontational’, ‘not to be as vocal a critic as he has been for a long time’), but also less frequent, as he is much less involved with local issues. This, in turn, results in a mutual-beneficial relationship between the NYPD and Mr. Sharpton (‘at some level there is a mutual need there’) and consequently a status quo. Mr. Sharpton’s agenda-setting role for that matter has changed, according to Mr. Dunn, although he believes the reverend is still effectively ‘making noise’ in big incidents, such as the Sean Bell case. Mr. Dunn’s stakeholder-observant perspective provides a broader perspective of the role of Mr. Sharpton that extends beyond the Sean Bell case. While Mr. Sharpton used to be the agenda-setter, now critics such as Mr. Barron take this role, according to Mr. Dunn:

*Mr. Dunn characterizing the role of Mr. Barron in public debates*

There is no doubt that ... I mean, in some respects something like Sean Bell, with the number of shots that get fired, **you don't necessarily need a Charles Barron to say, this is crazy, why are they shooting all these police shots at someone who is unarmed.** That is kind of self-evident. But there is no doubt that **by virtue of having the so-called police critics you have a community of people who are raising issues that the police were never going to raise,** and are criticizing the department in ways that no one else is going to criticize them. I mean, **the paper is not going to offer that criticism by itself, it has got to have someone to give voice to that.** So I think it is **critically important.** I think that it is actually ... One of the things that has long concerned us is that there are very few people that are actually critical of the Police Department in the city. If you look at the reporting on Sean Bell — my guess is that other than Barron, you probably will not find a single city council member who is critical about the Police Department. **There are just very few.**

While Mr. Dunn sees the communication uttered by police critics such as Mr. Barron as 'self-evident', it still sets the agenda of both newspapers ('the paper is not going to offer that criticism by itself, it has got to have someone to give voice to that'), and that of the Police Department ('by virtue of having the so-called police critics you have a community of people who are raising issues that the police were never going to raise'), which is 'critically important', especially as there are only 'just very few' of such critics.

Yet while Mr. Dunn recognizes the agenda-setting role of Mr. Barron and the small group of critics, he also sees the negative effects of this type of agenda-setting:

*Mr. Dunn characterizing the communication of Charles Barron*

In my experience, **credibility with the press is a huge issue;** for instance, someone like Charles Barron is someone who I think **the press recognizes is the person who is going to make the most extreme statements about something,** so if that is what you are looking for he could be a source for that. **When it comes to making allegations about things that the Police Department is doing or on police policies and practices, I think someone like that has less credibility.** One, he is prone to make **very extreme statements,** and two: He is **not actually doing the work** and trying to collect a lot of the information. And so, when he says things that aren't just opinions, but are getting into kind of claims with the Police Department, **I think that stuff probably carries much less weight.**

In the excerpt above, Mr. Dunn observes that Mr. Barron and the media have an interdependent relationship: When the press is looking 'for the most extreme statements', they will go to the city councilman. However, both the person making the statements ('someone like that has less credibility') and the statements themselves ('I think that stuff probably carries much less weight') do not have much credibility or value, partly due to the harshness of the communication ('very extreme statements'), but also due to the lack of research ('not actually doing the work'). This is in line with the observations made by police defenders on both the communication of Mr. Barron — and that of Mr. Sharpton — as discussed earlier in this section, although Mr. Dunn does not focus on the effects of this lack of credibility, as the observations above are mostly made from a stakeholder-observant perspective.



## CHARLES TESTAGROSSA

During the personal interview held with him, Queens Assistant District Attorney Charles Testagrossa, who was the chief prosecutor at the Sean Bell trial, makes a similar distinction between police critics as Mr. Browne and Mr. Dunn.<sup>9</sup> While the prosecutor also distinguishes between roles, roots, communication and effects, the first distinction stands out and therefore this paragraph will be structured accordingly. Mr. Testagrossa speaks mostly about Mr. Sharpton in his characterization of police critics:

### *Mr. Testagrossa characterizing the role of police critics*

There were people who were **crying out that the police were unjustified you know**, some of the participants are **the same participants you see in this type of incident historically like you know, the Rev. Al Sharpton, some political figures will make their statements ...** We saw that in Sean, Diallo and some of the other cases involving deaths caused by police officers in their on-duty activities.

[...] I think **he always takes the point of view that the police conduct was unjustified**. Neither the department's view **nor the view of Mr. Sharpton and other community spokesmen are particularly nuanced**. They basically **go right to their usual positions** and then argue from there. So I mention him, because **he is the one who comes to mind. He is the one I guess who is usually in the forefront at this point in time**.

[...] Actually I think in this case that **Mr. Sharpton muted his criticism, turned down the volume a little bit and actually gave the system a chance to operate** as opposed to on other occasions where he would **either advise witnesses not to cooperate with the District Attorney's office**, in other words **really step up the tension**. In this case I actually did not think **he acted irresponsibly, he has a certain constituency and he articulates a certain point of view for that constituency**.

[...] In this case I thought **that Rev. Sharpton was more conservative in his remarks than the police union officials were**, which is kind of an odd situation because most people usually look at it the other way around.

In the statement above, Mr. Testagrossa places the role of Mr. Sharpton within a historical framing of agenda-setting and mobilization ('he is the one who comes to mind; he is the one I guess who is usually in the forefront at this point in time'). Yet this interpretation is not a positive one: The perceptions conveyed by Mr. Sharpton as well as the positioning taken by Mr. Sharpton — in the eyes of Mr. Testagrossa — are neither nuanced nor refreshing, as he, and other 'community spokesmen' 'always take the point of view that the police conduct was unjustified' and for that matter 'go right to their usual positions', and moreover, negatively affect the process of debate by advising 'witnesses not to cooperate with the District Attorney's office'. The role and positioning of the reverend and other community spokesmen is thus 'fixed' and predictable, leading to equally predictable communication, and ultimately exacerbating the schism between police and victims/community ('really step up the tension'). The result of Mr. Testagrossa's interpretation is a negative perception

concerning the police critics' current positioning, reflected in value-based perceptions such as 'crying out'.

However, the current positioning of the reverend, as opposed to other critics, is perceived by Mr. Testagrossa as a positive deviation from the previous pattern ('Mr. Sharpton muted his criticism, turned down the volume a little bit', 'was more conservative in his remarks than the police union officials were'). His role thus changed from an aggressive agenda-setter to a representative for 'a certain constituency and he articulates a certain point of view for that constituency'. This had a positive effect on the debate as it 'actually gave the system a chance to operate'.

During the interview, Mr. Testagrossa proactively distinguishes between the communication practiced by Mr. Sharpton and that of State Senator Malcolm Smith, who is perceived as more conciliatory, and that of City Councilman Charles Barron, who is perceived as less conciliatory. The following excerpts give more insight into the specifics of this distinction made by Mr. Testagrossa:

*Mr. Testagrossa speaking about State Senator Malcolm Smith*

**I would distinguish between Malcolm Smith who is a state senator and I think generally behaves responsibly** and I don't think he behaved irresponsibly in this case either. What he did in the Sean Bell [case], he had done similarly in Diallo and other cases involving police-caused deaths.

*Mr. Testagrossa speaking about City Councilman Charles Barron*

There is a huge difference between Malcolm Smith and most of the Queens members of either city council or state legislature, [such as] Charles Barron. Barron is **out on the extreme**, I would say the extreme left of New York City politics, and **has been forever**, and he **is not a conciliator, he is not looking to tamp down the tensions. As a matter of fact he is probably the most rabid of people as far as I'm concerned.**

[...] **Usually I would not throw that much of a distinction between Barron and Sharpton** but just on this one case I would because I actually thought **that Sharpton for the most part behaved more responsibly than Barron did.**

[...] The statements that Barron makes are **quite inflammatory** and as an office holder, as an elected official, I uphold him to a higher standard than I do a community activist/self-proclaimed spokesman. **Mr. Barron is a member of the New York City Council and some of the things that he says I find appalling.**

[...] He absolutely knows what he is saying; he is a very **calculating man**. He has been an **extremist** for some time.

*Mr. Testagrossa responding to the previously discussed quote of Mr. Barron: 'We're not the only ones that can bleed'*

That sounds **like an incitation to violence and this is by a public official**. I think that is **highly irresponsible**. Sharpton didn't say anything like that. [...] **Sharpton has obviously had a checkered past, which one could take issue with some of the things he has done, but he didn't make that kind of statement in this case. That was Charles Barron as a member of the New York City Council and I find that appalling.**

[...] **I don't see how he justified that** [remark]. There is **no justification for that in a democracy**.

While the communication practiced by Mr. Smith is perceived as 'responsible', and placed within a historical framing of generally responsible behavior, Mr. Testagrossa notices 'a huge difference' between the communication of him and other local and state politicians, such as Mr. Barron, who is considered the exact opposite of the state senator. Similar to the analysis in this research, Mr. Testagrossa perceives the positioning of the city councilman as rigid ('rabid') while his communication does not seek common ground ('not a conciliator') and at times incites violence. In addition, the role taken by Mr. Barron is also predictable ('has been forever'). In turn, the prosecutor negatively evaluates this rigid positioning and harsh communication by Mr. Barron as 'appalling' and having 'no justification for that in a democracy', especially considering the fact that Mr. Barron is an elected official. In the eyes of Mr. Testagrossa, his 'calculated' and 'extremist' stance ('he is not looking to tamp down the tensions') has a detrimental effect on the overall process of debate, as it is 'inflammatory' and 'incites violence'.

While in the second excerpt Mr. Testagrossa again interprets the communication of Mr. Barron and Mr. Sharpton as part of a historical pattern of rigidity and harshness, Mr. Testagrossa again stresses that Mr. Sharpton's communication in the aftermath of the Sean Bell shooting is a welcome deviation from this pattern ('but he didn't make that kind of statement in this case'). Nevertheless, Mr. Testagrossa does point out — from a stakeholder-observant perspective — that the historical framing of the reverends' conduct can have a detrimental effect on the perceptions held by others ('one could take issue at some of the things he has done').

As a final point, it is interesting to look at how Mr. Testagrossa perceives the effects of the communication of police critics. Part of this question has already been answered by the prosecutor, both directly and indirectly. Not only does the bulk of police critics' communication — according to Mr. Testagrossa — result in tensions between the police, the community and to a certain extent the DA's office, the prosecutor's disparagement of the communication by Mr. Barron has also demonstrated how the messages conveyed by the city councilman do not reach the prosecutor, due to the harsh inflammatory communication, which functions as noise. Mr. Testagrossa for that matter does not detail any of the messages conveyed by the city councilman, he just focuses on the nature of his communication. From a stakeholder-observant perspective, Mr. Testagrossa further expounds on the notion of 'noise' in relation to other police critics:

*Mr. Testagrossa talking about the breathalyzer measures implemented by the NYPD*

See, there was a **valid concern there that members of the critics were raising and through all their rhetoric and noise**, the Police Department heard at least that ... and said: 'That actually sounds so reasonable we can't argue against it, so let's see if we can deal with it'.

While in this specific scenario the NYPD did listen to the police critics, Mr. Testagrossa maintains that this is not because of the communication techniques deployed by this stakeholder group, but rather in spite of them. In the vocabulary of this research, the police critics' communication has a detrimental effect on the process of debate, as the 'rhetoric and noise' is not only perceived as negative by the Police Department and other stakeholders, it also causes them to ignore the reality held by police critics.

In addition, Mr. Testagrossa argues that the police critics' communication can have a detrimental effect on the judicial processes that ensue after police shootings:

*Mr. Testagrossa talking about the risks of police critics' communication*

But when **you raise the volume of the rhetoric and [are] hypercritical you are risking alienating the family members of the victim** and the witnesses who can help shed light on what happened, so that they **may become either less cooperative or uncooperative. So I mean, if you can tamp down the volume, it certainly helps.**

In Mr. Testagrossa's view, the volume of the rhetoric and the hypercritical attitude of police can prevent the system from operating, as it can result in 'alienating the family members of the victim and the witnesses who can help shed light on what happened'. In other words, Mr. Testagrossa believes that the police critics' communication not only hampers the public debate, but also the judicial process of debate.

From a stakeholder-observant perspective, though, the prosecutor does understand the way the police critics interpret the shooting, despite the 'noise':

*Mr. Testagrossa speaking from the perspective of police critics*

The community obviously has the opposite point of view [to that of the Police Department], they just take incidents like this and view them in terms **of a larger history of relations between the Police Department and government and the minority community and they just look at it as ... 'Well, here it goes again, here it is again'.**

Mr. Testagrossa's observation matches this research's analysis, which also noted the historical framing of police violence and racial injustice, and moreover, the broader-agenda criticism ('government'). What is striking in this statement is how the prosecutor makes a distinction between the motives of the community on the one hand, and those of community leaders on the other, whose objectives, as discussed, may be different and more unreliable. However, despite his understanding of the roots of community dissatisfaction, he still believes the group should communicate differently.

MICHAEL WILSON

*New York Times* police reporter Michael Wilson, who wrote extensively about the Sean Bell shooting and its aftermath, appraises the communication of police critics in a similar way to police defenders and the NYPD, although he conveyed his viewpoints in less stark, more nuanced terms in the

interview held with him, and moreover, positions himself as an intermediary, strictly stakeholder-observant participant in the debate, similar to Mr. Testagrossa:<sup>10</sup>

*Mr. Wilson speaking about the communication conveyed by Mr. Barron*

That's why [harsh police critics] got elected, because they are very passionate people you know. Charles Barron, he speaks **out passionately against the police whenever he feels that that is the thing to do, so he does it a lot.**

I assume he believes all of this very strongly and he is a passionate guy and so he gets himself elected. **When you say things like that, a lot of people are going to get angry with you and I think that has been Charles Barron's experience.** He knows that he has a lot of enemies in this town and I don't think **he really cares and he would not want ever to be accused of agreeing with the Police Department on something big.** So he has made himself **an outsider, a crusader.**

*Mr. Wilson responding to the previously discussed Charles Barron quote: 'We're not the only ones that can bleed'*

You see that angers people. When he says something like that, **it makes people angry at him you know.**

*Mr. Wilson speaking about the communication conveyed by Mr. Sharpton*

I think it is effective in that **they seem to get their message out. In a situation like this everybody plays a role, so when this happens you just know okay, let's just go find Sharpton 'cause he's got something to say about this.**

[...] [Mr. Sharpton] has **a large audience** both in New York City and outside and I think **people who respect and like him are going to pay attention to what he says and let that factor in to how they feel about the shooting.** He also has a lot of detractors, people who don't think as highly of him, they're just going to say 'Oh, that is **just Al Sharpton doing what he always does, you know**'. **But he is certainly consistent.**

*Mr. Wilson answering my question on why the NYPD appears to be more positive about Mr. Sharpton than about the New York Civil Liberties Union*

The Civil Liberties Union, I think, is a more frequent critic of the Police Department than Sharpton. When Sharpton gets upset about something, **he is very vocal** about it, but it is not a constant thing like the Civil Liberties, especially during Kelly's tenure since September 11, the civil liberties of New Yorkers have been a constant issue. **They are constantly questioning his policy, writing letters saying this and that. I think it is easier to say something about a group than say something mean about Al Sharpton.**

Michelle Knight:

Because it is personal?

Mr. Wilson:

Yeah, I mean ... **people really like Sharpton and the people who really like Sharpton like him a lot. No one likes the New York Civil Liberties Union that much because it is just an organization with a big long name ...** They don't have **that charismatic figure in front like Sharpton.**

*Mr. Wilson speaking about the communication practiced by police critics after the Sean Bell shooting*

**It is very inflammatory against the police immediately.** You shoot an unarmed man, you know, 50 times, I mean, that was very ... **that just caught fire in town** ... everybody was ... I mean the number '50' was a big part of it you know.

*Mr. Wilson speaking about how the police critics could change their communication efforts*

As far as the community leaders, what they can do differently, I mean again, **their critics would say you should wait till the facts are known before you say inflammatory things on television and get people all excited and upset.** [Yet] asking these guys to not say something after the Sean Bell shooting ... to wait and see what his blood alcohol level was, or something like that, **that is just not something they would ever do.**

What is at first striking in the statements made by Mr. Wilson is again his perception that each of the police critics, similar to other stakeholders, has a fixed role in controversial police shooting debates, which does not change over time ('But he is certainly consistent', 'In a situation like this everybody plays a role'). Within this fixed pattern, the roles taken by the Rev. Al Sharpton, City Councilman Charles Barron, and the New York Civil Liberties Union differ to a certain extent, according to Mr. Wilson. First, Mr. Barron's role is that of an 'outsider' and a 'crusader', who will never agree with the Police Department 'on something big', and uses passionate rhetoric to support his views. The communication practiced by the city councilman, consequently, will mainly make people angry towards him. Conversely, Mr. Sharpton has much more of an agenda-setting role towards the press ('let's just go find Sharpton because he's got something to say about this') and ultimately to the public, due to his 'vocal' communication. Agenda-setting, however, does not necessarily entail persuasion. While the communication expressed by the reverend will mainly influence his (large) audience, his detractors will denounce his stance as 'reflexive' ('just Al Sharpton doing what he always does, you know'). Due to his agenda-setting approach, his large following ('people really like Sharpton and the people who really like Sharpton like him a lot') and his charismatic appearance, the NYPD is less likely to criticize him, than more constant, yet less charismatic critics such as the New York Civil Liberties Union, which is 'just an organization with a big long name.'

In line with the overall historical pattern, the communication uttered by police critics after the Sean Bell shooting is inflammatory, and focuses on the symbolic number of shots fired. This is also in line with the characteristics discerned in this research's analysis, such as the high level of passionate oratory, the focus on the label '50 shots' and the harsh means of communication deployed by police critics.

As Mr. Wilson perceives the role of police critics to be 'fixed', he does not believe their communication will change. More specifically, Mr. Wilson points out that the police critics will maintain their rigid scope of debate ('that is something they would never do'), even if detractors would like the police critics to change their communication efforts, as the inflammatory

communication can get ‘people all excited and upset’, thus pitting the public against the police. For that matter the communication patterns, in his eyes, remain consistent.

## CONCLUSION

When talking about the debate that ensued after the Sean Bell shooting, almost all interviewed stakeholders speak of a fixed, predictable, calculated, agenda-setting, catalyst role taken by those critical of the police. Police critics take such a role not only in this case, but in police conduct debates in general. The interviewed police defenders especially dilate on the nature of this role, which they consider to be self-assigned, and interdependent with that of Mayor Bloomberg and the press, but also with that of police defenders, as Mr. Liddy and Mr. Mancini confided to me.

What is interesting is how the casting for this specific role proves to change over time, while the nature of the role stays practically unchanged. The interviewed stakeholders for that matter do not unanimously agree on who currently takes this role. While Mr. Barron and Mr. Sharpton are mentioned by most interviewees, some point out that Mr. Sharpton has a different role now than in the past. Moreover, there are differences between the roles taken by Mr. Sharpton and Mr. Barron, the latter being more of an outsider and the former more of an agenda-setter. The interviewees’ consistent focus on both is remarkable, though. State Senator Malcolm Smith, for example, is not proactively mentioned by the interviewees (except Ms. Ventura), but only at my instigation, which indicates that it is not Mr. Smith, but in fact Mr. Sharpton and Mr. Barron who set the agenda for the public debate.

Most interviewees that are not labeled ‘police critics’ agree that the role taken by both police critics is driven by a fixed agenda, comprising both (unwarranted) anti-police sentiments, as well as broader frustrations with government and race relations. Moreover, the role is driven by unfair and opportunistic objectives, ranging from political aspirations to the making of money.

The resulting communication is not geared to solution-building and has a reflexively biased, extreme and emotions-driven character, a predictable script focusing selectively on controversial police wrongdoings and the patterns of police misconduct and racial injustice, while giving a one-sided, rigid (and according to some) misleading account of the reality as to what occurred, who is responsible, and what are the solutions.

In turn, the means of communication are also believed to be predictable. They include rash judgment, the use of harsh, inflammatory, loud and at times even threatening rhetoric, the deliberate preservation of racial tensions, uncooperative/obstreperous attitudes both to the (judicial) process of debate (such as the preference for media communication over face-to-face communication) and to the reality held by the NYPD, the agenda-setting/manipulation of the media, distortion (including misleading assertions/racial claims), the latching on to issues, the lumping together of incidents, the exacerbation of (racial) contrasts and the ‘us-versus-them’ schism, simplification/generalization, and the deliberate disregard of established processes.

The assertions above apply to the public debate following the Sean Bell shooting, according to the interviewed stakeholders, despite the fact that they focus on the historical pattern rather than on the Sean Bell shooting itself. The use of passionate oratory/harsh, inflammatory rhetoric and the focus on the historical interpretative framing of police misconduct and racial injustice are linked especially to the Sean Bell shooting. What is also interesting is how Mr. Testagrossa, Mr. Browne and Mr. Dunn believe that Mr. Sharpton's conduct during the aftermath of the Sean Bell shooting deviated from the historical pattern described above.

These discussed communication characteristics are to a certain extent in line with the analysis in this research, apart from the perceived unreliability, as the credibility of the messages is purposely not analyzed here. The evaluation of these characteristics, in turn, shows an overlap with the general perceptions, interpretations, and positioning of the stakeholder group to which the interviewee belongs.

The communication described above, in turn, affects the process of debate in several ways. Interviewed stakeholders argue that police critics' communication — particularly the strategic means used — can result in inflammation, mistrust, hostility, alienation and even violence towards the NYPD (and to a lesser extent the DA's office), exacerbation of the schism between police and victims/community, police victimization, retaliation, polarization, the deterioration of the safety and conduct of the police, and mutual communication inaction. Overall, the communication results in a jeopardizing of the judicial processes, and a hampering of the public debate, and the day-to-day encounters between police and community.

More positive effects include the mobilization of police critics and the setting of the agendas of both media and the NYPD, although this is not viewed as positive by all interviewed stakeholders. While police critics' communication could result in some policy changes, no interviewee believes that the police critics' communication will change the (rigid) mindset of the group defined in this research as police defenders. Moreover, such policy changes are rarely mentioned by interviewees.

The analysis in this section has also laid bare a few immediate effects of the police critics' communication. More specifically, this communication can lead to the reinforcement/exacerbation of the perceptions held on police critics, their held agenda, the predictability of communication, the strategic means used and their lack of knowledge. As a part of this, most interviewees who do not fall under the label 'police critics' mention that they question the credibility of police critics and their messages. Other immediate effects include the inability/unwillingness to understand the content of the messages (due to noise), anger towards police critics, mockery, perceived amplification of the harshness of rhetoric, and the direct polarization of the positioning of different stakeholders. This polarization includes direct retaliations, simplification/generalization and consequential disapproval of both critic and criticism, but also deflective strategies such as 'the lauding of personal/organizational conduct' (NYPD) and emotional blackmail/victimization and communication of self-centered reality



(police defenders). Overall this leads to predictability and repetition, but also exacerbation of the NYPD's and the police defenders' communication. There are also positive immediate effects: Recent communication by the Rev. Sharpton results in Mr. Testagrossa's more positive appraisal.

Thus, according to most interviewees who do not fall under the label 'police critics', the role taken by police critics and the communication resulting from this is not desirable. Conversely, different communication aspects, such as use of fair means of communication, a coalition-oriented, problem-solving approach, a role that is not 'agenda-driven' or at least more in line with the positioning of the mayor or the police commissioner, and messages that are less harsh and predictably one-sided lead to better perceptions, a higher perceived credibility, and to a certain extent to approval/acceptation of messages. Moreover, such communications improve the relationship between police critics, police defenders, and the NYPD. State Senator Malcolm Smith is for that matter praised by many interviewees, as is to a lesser extent Mr. Sharpton, the latter merely in reference to more recent communication efforts, including the aftermath of the Sean Bell shooting.

It is important to note that the perceptions conveyed by the interviewees are not merely a result of police critics' communication. Instead, these perceptions are also shaped by the interviewees' own positioning. The police defenders for that matter are more critical than the more stakeholder-observant, coalition-oriented interviewees such as Mr. Testagrossa, Mr. Wilson and Ms. Ventura. As confided by Mr. Liddy and Mr. Mancini, police defenders in fact benefit from the calculated hostile relationship too. This positioning could also explain the discrepancy in the way Mr. Sharpton and the NYCLU are viewed by the NYPD and the police defenders (although interviewees bring up different reasons).

These effects on stakeholders correspond to a great extent with the discussed perceptions, interpretations and positioning of these stakeholders in this research, especially that of police defenders, who see the conduct of police critics as part of a broader pattern of unfair criticism and unfair methods of, and motives for, conveying this criticism.

## 7.2 Interviewees' appraisals of the NYPD

The communication approach of the NYPD is a central topic of discussion during the interviews held with stakeholders. Interviewees from both sides of the debating arena talk extensively about the NYPD's role and communication, as well as the effects this communication has on an array of broader processes. The analysis is mainly structured accordingly, although the structure does deviate slightly per interviewee, depending on the structure of the interview and the answers provided during the interview. In addition, the interviewees — from a more stakeholder-observant perspective — give new insight into the communication restrictions that the NYPD has to deal with, discussed in Part II, Chapter 2. It is important to note that some interviewees see the NYPD and police defenders as one, and hence hardly distinguish between these two different stakeholders.

### CHARLES BARRON

City Councilman Charles Barron has a strong opinion about the communication practices of the NYPD, as becomes clear in the interview held with the city councilman at his district office in Brooklyn.<sup>11</sup> While the city councilman distinguishes between roles, roots, communication and effects, these elements are quite densely packed in the communication uttered by the city councilman. Consequently, the following analysis has an integrated character.

It is important to note that the councilman focuses his criticism not only on the NYPD, but on an entire system that defends the police. The councilman groups all of these entities within this system as 'them', each of the different bodies having a different role in the debate:

#### *Mr. Barron describing how the broader system works for those in defense of the police*

In the history, in the annals of the police–community relations, the number of shots fired, the unnecessary excessive use of deadly force, **the cooperation of the District Attorney's office, the cooperation of the judicial system, the cooperation of the police commissioner, the cooperation of the mayor even, with his little 'it may have been excessive', the cooperation of the unions, the detective unions, all of those united is the most pathetic gross miscarriage of justice and [it is] totally systemic and racist in nature, because they do it in every case.**

It is striking how each of the entities that make up 'them' act like an interdependent cog within a larger 'totally racist' system that produces a 'miscarriage of justice'. All of these people are perceived as 'police defenders', and hence Mr. Barron's conception of the group of police defenders is thus much larger than the one defined in this research. This does not imply that the councilman refrains from detailing the individual role of each of these entities, including those labeled in this research as police defenders.

Within this larger system, Mr. Barron sees the role of the NYPD as 'fixed', similar to the static portrayal of police critics by other interviewed stakeholders. The following excerpts further expound on this:

*Mr. Barron characterizing Police Commissioner Kelly's communication*

The way he is communicating it, **he is so protective of the police, no matter what they do.**

*Mr. Barron characterizing Mr. Browne's communication*

Please ... Paul Browne is a wasted PR ... **a waste of my time, because he is gonna protect the police reflexively. It is a reflex action. They automatically protect the police and they automatically look out for number 1: Them. They look out for themselves.** Paul Browne is just a PR flunky for the commissioner. **Nothing I could say to Paul Browne.**

The excerpts above show how Mr. Barron, similar to previous interviewees, attributes 'debating roles' to stakeholders in the debate, as if they are fixed certainties from which the different participants in the debate are not going to deviate. Thus, while Mr. Browne, in the previous section, subtly alludes to the reflexive, predictable positioning of Mr. Barron in the debate that ensued after the Sean Bell shooting, the city councilman similarly maintains that the NYPD, or more specifically Police Commissioner Kelly and Mr. Browne, also take such a role in the debate. The city councilman, however, describes the reflexive nature of this role in much starker terms, arguing that both officials 'automatically protect the police and they automatically look out for number 1: Them', 'no matter what they do'. The city councilman for that matter specifically speaks of 'a reflex action'.

The excerpts also show, more indirectly, the effect such communication has on the city councilman. Not only does he reject the communication of the NYPD, he is very angered by it, as becomes clear by the increased display of frustration and antagonism during the interview. Moreover, the excerpts above show how the messages conveyed by the NYPD lead to an obstruction of the communication processes ('Nothing I could say to Paul Browne'), thus ultimately hampering the process of debate. From a different vantage point, the rigid positioning held by the city councilman, by which he refuses to speak with spokesman Paul Browne, has an equally hampering effect on the communication between them.

Mr. Barron's observations are — to a certain extent — in line with the analysis of this research, in that the NYPD maintains a self-centered perspective and is defensive.

This reflexive role, in Mr. Barron's view, profoundly impacts the way the NYPD communicates:

*Mr. Barron responding to my question on how to characterize Police Commissioner Kelly's communication after the Sean Bell shooting*

**Terribly, he never communicates. First, he'll either say that it is under investigation and just leave it. That is not enough; we know that it is under investigation, we don't need you [Police Commissioner Kelly] to tell us that.** Every case is under investigation, so we don't need you for that. We need you to **provide some leadership.** Secondly, after the evidence that was coming out he almost immediately exonerates the police himself by saying that it **appears that they acted in accordance with police policies.**

[...] Anytime you have 41 bullets for an unarmed man and they walk for them, 50 bullets for Sean Bell, [they need to be charged with] at least reckless endangerment. Come on now, you spray 50 bullets around the community, that is reckless and you get nothing. And then the police commissioner **says nothing about these [...] cases other than you know**, let an investigation go and then as the investigation goes then we don't get any indictments at some instances and when you do get the indictments, you don't get the convictions and he has **nothing to say?**

What is interesting in the excerpts above is how Mr. Barron characterizes the communication practiced by Police Commissioner Kelly as non-communication ('never communicates', 'nothing to say'). This is to a certain extent in line with how Mr. Browne characterizes the communication of Mr. Barron, who according to the NYPD spokesman does not communicate with the department either, but ventilates his criticism through the press instead.

Mr. Barron also states what he finds objectionable about the communication: Mr. Kelly's statements focus on process rather than on steps to be taken or on his opinion of what happened ('say that it is under investigation and just leave it'), while such process information is deemed as unnecessary by the city councilman ('we don't need you to tell us that. Every case is under investigation, so we don't need you for that'). Mr. Barron's observations correlate to a certain extent to those made in this research, in that the communication of the police commissioner is characterized as nondescript, process-oriented and evasive. It is exactly these elements that the city councilman finds objectionable, uninformative and not 'providing leadership'. The second part of Mr. Barron's criticism, i.e. that Mr. Kelly said that the officers appear to have 'acted in accordance with police policies', can't be found in the *New York Times* articles, although some of the subtle perceptions conveyed by the NYPD do indeed diminish the culpability of the officers, as discussed in Part II, Chapter 2.

What is striking is also how the city councilman links communication to action in the excerpts above ('you get nothing, and then the police commissioner says nothing'). In other words, the communication by the NYPD further damages the overall perceptions held by Mr. Barron concerning the actions taken by the police commissioner.

While the city councilman asserts that the NYPD has a specific — political — role in the debate, which leads to a certain type of communication, he would have rather seen that the police commissioner took a different role, and hence communicated different messages:

*Mr. Barron sharing his views on what he believes the role of the police commissioner should be*

He is supposed to represent persons, [...] providing safety for the people of New York City. That is his top priority. That is the purpose of the whole police department. **He is not there just to represent police. That is a poor communication. He is there to represent the people of New York City, the eight million residents of New York City.** He represents *them* and he is responsible for providing *safety*.

*Mr. Barron sharing his views on how the police commissioner should communicate*

The commissioner has to be **clear in his communication**, even though this is the initial stages of the **investigation and a lot has to be still discovered**. We have to get a commissioner that is gonna say **that they will leave no stone unturned in getting to the justice question, that ‘while I am not gonna jump the gun and convict anybody before they have a trial, that under my watch I will not tolerate any form of police misconduct, brutality, excessive use of force’**.

*Mr. Barron responding to my question on what the police commissioner should have said*

**I would rather have seen ‘50 shots, something like the mayor said but he didn’t go far enough for me, appears to be excessive’**. [...] Furthermore he could have said **‘We’ve had a history in this department that I’m concerned about’**.

The statements above give insight into what Mr. Barron believes the role of the police commissioner should be. Similar to Mayor Bloomberg, the police commissioner, in Mr. Barron’s view, should take a ‘stakeholder-centered’ role in the debate (‘He is not there just to represent police ... He is there to represent the people of New York City, the eight million residents of New York City’). Yet this role should specifically focus on the needs of the community, as the desired role also shows resemblances with that of the positioning taken by those critical of the police. More specifically, the city councilman argues that the commissioner should have the same zeal as police critics (‘leave no stone unturned’), and have a similar conception of justice (‘getting to the justice question’). The current positioning of the police commissioner, which is the exact opposite, hence is considered ‘poor communication’ by the city councilman.

The communication, in turn, should reflect this positioning concerning the desired outcome of debate (‘I will not tolerate any form of police misconduct, brutality, excessive use of force’). The desired reality to be conveyed by the police commissioner shows more resemblances with that of the mayor, i.e. a rigidly delimited (‘50 shots appears to be excessive’) yet personal and transient reality concerning what happened (‘a lot has to be still discovered’, ‘I am not gonna jump the gun and convict anybody before they have a trial’, ‘appears to be’). Striking is also the city councilman’s request for a police statement saying ‘We’ve had a history in this department that I’m concerned about’, as it literally opposes the laudatory responses conveyed by the Police Department, which portrayed the department’s conduct as ‘appropriate’ and ‘the best we’ve ever had’.

As a final point, it is interesting to see how the city councilman views the effects of the communication practiced by the NYPD. Some of these effects, particularly the immediate ones, have already been discussed in this analysis: The communication of the NYPD results in Mr. Barron’s rejection, anger, and unwillingness to communicate. The city councilman also conveys his personal views on the effect that NYPD communication has on police–community relations, as the following quotes show:

*Mr. Barron speaking about the effects of the NYPD's communication*

It [...] **sends a signal that black life is not as important as the lives of others**, police or white citizens in this town **because he never says [...] 'If my officers are wrong they will be punished to the fullest extent of the law and I will not tolerate any police discourtesy, brutality or abuse of use of deadly force'**.

[...] What does that communicate to one? The Police Department [...] says **you can kill black people with impunity and no one is gonna punish you**.

In Mr. Barron's perception, the NYPD's communication, or in fact lack of communication, particularly in regard to culpability ('because he never says [...] If my officers are wrong they will be punished to the fullest extent of the law') implicitly fuels racism ('it sends a signal that black life is not as important as the lives of others') and in fact condones and hence stimulates police misconduct ('you can kill black people with impunity and no one is gonna punish you'). This in turn leads to a feeling of victimization held by both the black community at large and by Mr. Barron specifically, as the 'signal' is both sent to the police and that community.

#### DELORES JONES-BROWN

Prof. Delores Jones-Brown, director of the John Jay College Center on Race, Crime and Justice and former prosecutor in New York City, makes a clear distinction, during my interview with her, between the communication of Police Commissioner Kelly and that of Paul Browne.<sup>12</sup> While the professor also distinguishes between communication and effects, and to a lesser extent talks about roles, the first distinction stands out and hence this paragraph is structured accordingly.

To start with, her evaluation of the overall communication of Police Commissioner Kelly is quite positive. She only refers to a limited extent to the role taken by the commissioner, and does so by linking it to his recent communication approach:

*Ms. Jones-Brown characterizing the general communication of Police Commissioner Kelly*

The one thing that Police Commissioner Kelly has been: If something gets raised as an issue, he **responds to it**, whether he makes a change or not. **He is responsive in that kind of way** [...] which, I have found, is — as critical as I can be of policing agencies — **rather refreshing**. [...] It is definitely **an improvement over the immediate past commissioners, no question**.

In the excerpt above, Ms. Jones-Brown does not argue that Police Commissioner Kelly has a predictable, fixed role in the debate, unlike other interviewed stakeholders. Conversely, she says that Mr. Kelly's positioning deviates from such a fixed role ('I found that rather refreshing'), as he actively communicates with the community, thus acknowledging the existence of their held reality concerning issues, and their desired outcome of debate. Her characterization is not in line with the analysis of this research, in that the analyzed statements made by Mr. Kelly rather deflect than

acknowledge the reality held by police critics. The former prosecutor does maintain that these reflections are personal rather than universal, as will be discussed further on in this analysis.

The excerpt also gives insight into the immediate effect this communication has on Ms. Jones-Brown. More specifically, Mr. Kelly's messages result in a positive appraisal ('it is definitely an improvement'), because he is responsive to the community, which is very necessary in the view of the John Jay College professor.

Contrary to her opinion on the communication of Police Commissioner Kelly, Ms. Jones-Brown does not characterize the communication of Mr. Browne in a positive way:

*Talking about the communication of Paul Browne*

Ms. Jones-Brown:

I think **he says things that insult the intelligence of the New York people**, particularly the minority community. [...] **His communication is clearly pro-police.**

Michelle Knight:

Why do you think that?

Ms. Jones-Brown:

**Unfortunately I am so far removed from [it, but ...]** I think it was something about the stop-and-frisk policy. But it is just very clear that there was no **level of understanding [or]** sensitivity to the fact that different kinds of people [are] being policed in the city. What the police are providing in some cases is the opposite of what the minority community wants.

According to Ms. Jones-Brown, Mr. Browne's role in police-community debates is much more predictable and static than that of the police commissioner, as he 'clearly' takes a 'pro-police' positioning, not just in the aftermath of the Sean Bell shooting, but in general. In turn, his remarks result in inflammation by both New Yorkers and Ms. Jones-Brown herself ('he says things that insult the intelligence of the New York people').

Although the professor clearly disapproves of the role taken by Mr. Browne, Ms. Jones-Brown is not able to expound much on specific examples of his pro-police positioning, because she is 'so far removed' from where the action takes place. In other words, it is the overall impression Ms. Jones-Brown has of Mr. Browne's communication, together with her ingrained interpretations of the NYPD's conduct, that make her believe that Mr. Browne is 'pro-police'. This in fact demonstrates that the role taken by Mr. Browne is much more fixed — in Ms. Jones-Brown view — than that of Mr. Kelly. In the only example she does mention, the communication of Mr. Browne comes across as indifferent to the reality and objectives held by community members ('there was no level of understanding').

According to Ms. Jones-Brown, these different roles taken by Mr. Kelly and Mr. Browne in public debates lead to divergent communication approaches. Before looking at her appraisal of their

communication after the Sean Bell shooting, it is first interesting to look at how Ms. Jones-Brown speaks in general about the communication strategy deployed by the Police Department after the Sean Bell shooting. In her characterization of this strategy, she focuses on the initial search for a ‘fourth man’:

*Ms. Jones-Brown speaking about the initial communication after the Sean Bell shooting, specifically focusing on the NYPD’s investigation into the fourth man*

**So, the initial communication was about establishing that the police did not do something wrong in this incident. So it pitted the Police Department against the community.** It is sort of **typical** of cases in which something happens in a minority, poor community. [...] **It becomes a mass kicking of doors, all kinds of aggressive things to everyone in the community, as opposed to limiting it to people who fit the description.**

In Ms. Jones-Brown view, the NYPD’s communication and actions are correlated, as she disapproves of the fourth man investigation itself (‘It becomes a mass kicking of doors, all kinds of aggressive things to everyone in the community’), but also the communication of this investigation (‘the initial communication was about establishing that the police did not do something wrong in this incident’), which to her comes across as predictably defensive (‘typical’) in regard to the NYPD’s own image, but also aggressive to the community, resulting in an increased ‘us-versus-them’ schism (‘so it pitted the Police Department against the community’). This is similar to Mr. Browne’s focus on the relationship between action and communication.

The actions taken by the Police Department thus taint the perception of the NYPD communication in general. Ms. Jones-Brown is more positive about the way Police Commissioner Kelly individually responded to the shooting throughout its aftermath:

*Ms. Jones-Brown characterizing Police Commissioner Kelly’s response after the Sean Bell shooting*

**I think that Commissioner Kelly is a very shrewd man. [...] His communication was designed not to incite things further than they were already volatile.** I think that in terms of his handling of the situation, he did **some very astute things to keep this from being escalated.**

[...] For example, one of the big issues was: Were the officers drinking? And had their drinking reached a level that made them impaired and therefore they should not have been handling their firearms? **I don’t know what the name of the report is, but there is like ten steps that he took after the Bell incident, including saying that it is going to be required for these undercover officers to submit to a breathalyzer test.**

In her evaluation of Police Commissioner Kelly’s response to the shooting, Ms. Jones-Brown again relates the actions taken by the Police Department to the communication of the police commissioner. More specifically, the breathalyzer test measures taken by the NYPD, and the way the department communicated about these measures, were purposely implemented and designed ‘not to incite things further than they were already volatile’. Ms. Jones-Brown is positive about this approach, as the communication acknowledged the reality of police critics, and moreover, was to a certain extent in



line with the desired outcome of debate of this group. Hence it kept the incident 'from being escalated'. Although she lauds the actions and communication of the police commissioner ('he did some very astute things'), she also believes such actions are to a certain extent calculated ('I think that Commissioner Kelly is a very shrewd man'), which is not necessarily negative of course.

While the John Jay College professor does not proactively bring up the initial statement of Police Commissioner Kelly, like Mr. Barron, she does appraise this specific response when I presented it to her during the interview. In her answer, she gave insights into the constraints of the communication of the police commissioner:

*Ms. Jones-Brown responding to the quote made by Police Commissioner Kelly: 'I can't afford to have a visceral reaction ... I am in charge of a 52,000-person organization. I am also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need the investigation to go forward as quickly as possible'*

That is **probably as neutral as you can be under the circumstances**. The fact that he acknowledged that it is **the kind of incident that can cause a visceral reaction is very, very important**. And **I am sure that there are not many people who analyze that quote in that kind of way**. Because in essence, what he says, I can't afford to have a visceral reaction, he is in fact admitting that the **circumstances are such that it would cause an average person to have a visceral reaction**.

[...] **It is a very self-serving statement, because he is admitting a level of constraint** [in fact saying:] **'It is not in my best interest to act in the way you want me to act'**.

*Ms. Jones-Brown explaining the constraints of Police Commissioner Kelly in making responses such as the one quoted above*

I think he has learnt from his predecessors **that when he initially comes off as too sympathetic to the victims, people will interpret that as that his people did something wrong**. [...] **Even if you don't acknowledge guilt**.

The commissioner [is constrained by] what he can say as long as there is still disciplinary action pending, **he doesn't want to say something that is going to jeopardize that. He doesn't want to say something that can cause the police to have a slowdown. Because police do do that**. To me it is really interesting that many of the techniques of the civil rights movement, when people were oppressed by law, and needed to have a vehicle to get change, some of the very agencies that were the oppressors are now using those tactics against the people when they feel put upon.

[...] **Good attorneys, they can take anything that you say, [also] 'I feel sorry for the family' and [turn it against you]**.

[...] **When it comes across as too sympathetic to the family, the 52,000 people who work for him are going to be pissed, or at least some of them**.

*Ms. Jones-Brown talking about how other people will respond to Police Commissioner Kelly's quote*

**First of all, you are going to have two-thirds of the people that don't know what the word visceral means. The other third, who knows what the term means, if they are like me, and they are educated, then they know that there are constraints on what people can say**.

From a stakeholder-observant perspective, the former prosecutor gives insight into the boundaries and restrictions that the police commissioner has to deal with when communicating on police shootings. Ms. Jones-Brown specifically argues that statements that are ‘too sympathetic’ can be detrimental to the judicial and departmental disciplinary process, as well as to the day-to-day operations of the NYPD, due to the powerful forces of the unions, the police officers and the attorneys.

For that matter, the remark made by the police commissioner is indicative of the fact that there are such restraints, and therefore his perceived subtle confession that a ‘visceral reaction’ would have been normal is laudable. Nevertheless, she does point out this remark is self-serving (‘It is not in my best interest to act in the way you want me to act’), which relates to the self-centered perspective held by the NYPD, as discussed in Part II, Chapter 2.

Apart from the specific meaning of the word ‘visceral’, the statement is ‘probably as neutral as [it] can be under the circumstances’, which — given the boundaries and restrictions observed by Ms. Jones-Brown — is understandable and acceptable to the John Jay College professor.

Yet Ms. Jones-Brown also points out that her evaluation of the quote, particularly her moderately positive appraisal of the word ‘visceral’, is personal and therefore not representative of the opinion of community members, or New Yorkers in general (‘I am sure that there are not many people who analyze that quote in that kind of way’). While she believes most people will not fully understand what the police commissioner is implying (‘you are going to have two-thirds of the people that don’t know what the word visceral means’), she also indirectly asserts that only those who are educated will understand that there are constraints to what the police commissioner can say.

Ms. Jones-Brown is much less favorable towards the communication of Mr. Browne after the Sean Bell shooting, although she does not bring up any specific examples. When confronted with one of the statements made by Mr. Browne during the interview, she first and foremost counters the statement by refuting its intrinsic content. However, she also briefly details the communication aspects of his statement:

*Ms. Jones-Brown responding to a New York Times excerpt on Mr. Browne: ‘When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department’s chief spokesman, said, “What we look at is the totality of the situation.” He added: “We don’t know the totality of this event yet.” But of the two previous shootings, Mr. Browne said, “There was more than the threat of the automobile alone involved”’*

To me, that quote is designed at best to neutralize, and at worst [it shows] ‘police favoring the police’.

Her response to the statement above shows how the message conveyed by Mr. Browne comes across as purposely nondescript, aimed at countering the sensational aspects of the shooting, an observation which is in line with the analysis in Part II, Chapter 2. In addition, the evasive nature of the communication might also be indicative of ‘police favoring the police’. Either way, the

communication of Mr. Browne results in a negative perception held by Ms. Jones-Brown, which is in line with her overall belief that Mr. Browne is reflexively and predictably pro-police.

During the interview, Ms. Jones-Brown was also presented with the previously discussed quote of Inspector Michael A. Blake. Her appraisal of this type of communication is profoundly different from that of Mr. Browne's communication:

*Ms. Jones-Brown responding to a New York Times excerpt: 'We put outreach into the community and listened to some of the things they were telling us, including a feeling that a lot of the stops were arbitrary', said the precinct's commander, Inspector Michael A. Blake. He said that some of the outreach programs, like youth councils that brought officers and teenagers together, had begun two months before the Bell shooting, but that after it happened, 'members of the community were upset'*

This sounds like he made some factual statements and the factual statements **cut on both sides**. [...] **He is willing to say that the community is upset after the Bell shooting**. This is the kind of reporting that I would expect reporters to give. **I would say it is good communication**.

Ms. Jones-Brown's perception of Inspector Blake's statement, which has been labeled as conciliatory discourse in this research, is far more positive than the statements that have been labeled evasive and nondescript. She particularly appreciates ('good communication') the stakeholder-centered, broadly delimited reality held and conveyed by the inspector ('cut on both sides'), which incorporates the reality held by the community ('He is willing to say that the community is upset after the Bell shooting').

As a final point, it is interesting to look at how she perceives the overall effects of the communication practiced by the Police Department. Some of these effects have already been discussed, such as the personal inflammation, disapproval, negative perceptions and non-understanding (the latter by less educated/involved stakeholders) on the one hand, but also (personal) approval of the open communication practiced by Police Commissioner Kelly and Inspector Blake on the other hand, which had a positive effect on community sentiments, hence diminishing the tensions felt. Ms. Jones-Brown also speaks in general terms about the effects of the communication, both implicitly and explicitly:

*Ms. Jones-Brown characterizing the communication of the NYPD*

**If they can't send a strong message** — and part of the reason they can't send a strong message is because of union protection — but if they can't send a strong message that we are going to police everybody in this city in the same way, and in a quality way, we are not going to treat everybody badly ... **then there is no way that they can change their image**.

*Ms. Jones-Brown talking about my request to speak with Paul Browne or Police Commissioner Kelly*

If you get in, let me know, because I think they are giving **you the stall tactic**.

What is salient in the first excerpt is that while Ms. Jones-Brown shows understanding for the restraints in communication, she also maintains that it is only the communication itself that can

change the image of the Police Department ('If they can't send a strong message ... then there is no way that they can change their image'). Thus, while the current communication results in a negative image, the Police Department is restricted in changing this communication, which results in a paradoxical situation for the NYPD, in which it should change, but can't.

The second excerpt more implicitly shows that the NYPD's communication results in negative perceptions held by Ms. Jones-Brown concerning the communication approach of the NYPD, despite her understanding of the constraints of the department. In fact, her perceptions are more negative than reality turned out to be, as the NYPD consented to my request after 1½ months, which resulted in an open, face-to-face interview with Mr. Browne that was not restricted in any sense. In other words, the negative, historical interpretation of the communication of the NYPD leads to pessimistic (and in this case unrealistic) expectations for the future.

#### KING DOWNING

Similar to Ms. Jones-Brown, Sean Bell family representative King Downing does not specifically refer to the fixed, reflexive role of the NYPD in public debates ensuing shootings such as that of Sean Bell. Instead, he does so more indirectly:<sup>13</sup>

#### *Discussion of the actions and communication of the NYPD*

Mr. Downing:

From the community point of view, because I can't speak from their [the Police Department's] side, **the department really believes there is not a problem.**

Michelle Knight:

You told me before that the communication comes across as defensive. Can you mention specific examples of this defensiveness?

Mr. Downing:

**Unfortunately I probably can't. I can't name specific examples but there is a certain amount of measured caution that is included in the statements of the department. They have a measured caution in what they say. [In] the post-Giuliani era there is not the same antagonism, so it is sort of the caution that you would expect, except that it doesn't happen in instances where a bad crime was committed against the citizens and the police sort of enthusiastically were going to go after these persons, or what happens when officers get shot or get injured.**

In the statements above, Mr. Downing indirectly argues that the NYPD has a predictable, defensive, reflexively biased role in the police–community debates. He does so by focusing on the defensive nature of the communication ('there is a certain amount of measured caution that is included in the statements of the department') as well as by stressing that the NYPD's cautious approach is restricted to controversial issues ('that it doesn't happen in instances where ...'). This, in turn, leads the

community to believe that the NYPD is callous and ignorant about police–community relations (‘the department really believes there is not a problem’).

What is interesting in the example above is that Mr. Downing cannot present any examples of such defensive communication. This again shows how the role of the NYPD, in the mind of Mr. Downing is ‘fixed’, as the communication is automatically labeled as ‘defensive’. When presented with some of the statements made by Mr. Kelly and Mr. Browne, Mr. Downing further expounds on his perceptions of the communication of the NYPD, as well as on the effects of such communication:

*Mr. Downing responding to the previously discussed quote of Police Commissioner Kelly: ‘I can’t afford to have a visceral reaction ... I am in charge of a 52,000-person organization. I am also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need the investigation to go forward as quickly as possible’*

Yeah, for him **to say that he is the final arbiter where discipline is concerned, he is, but there is also a criminal process.** So in a way he is containing ... he is containing the potential that could go, that could happen to him. **He is containing it to the system that he has control over.**

*Mr. Downing speaking specifically about the segment ‘I reiterate that I think we need the investigation to go forward as quickly as possible’*

So what does that say [... when an] investigation moves forward and says: ‘We found no wrong here’. That can be the result of a quick investigation as opposed to a long and thorough one. **But I think what he meant was,** we are not going to drag this out, and drag this out, and just hope it dies, **which is what we used to think: That some of the department were waiting for the protesters to go away.**

*Mr. Downing speaking specifically about the segment: ‘I can’t afford to have a visceral reaction’*

**I don’t know where his heart is on.** [He could think:] ‘You know what. I know this cop screwed up. I am sure he screwed up. All of this stinks.’ That could be a visceral reaction. A visceral reaction could be ‘Here goes the community again, all pissed off and they even don’t know what happened.’ So, I mean, **it is hard to get inside his mind, or what he meant by that.** [...] Suppose he means from the heart, then I don’t know what his reaction is from the heart. Let’s say he is the person who is not going to take any nonsense with all of this stuff. [...] **And in that case it will probably help, if it is true.**

*Mr. Downing responding to a New York Times excerpt on Mr. Browne: ‘When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department’s chief spokesman, said, “What we look at is the totality of the situation.” He added: “We don’t know the totality of this event yet.” But of the two previous shootings, Mr. Browne said, “There was more than the threat of the automobile alone involved”’*

**There is probably a pretty good chance that he said a lot more than that.** [...] You know, you can look at **something like that, and see it as not wanting to commit.** [...] As it stands by itself, **from the point of view of the community, it could be looked at as evasive.**

[...] But, from a community point of view, if the community reads it, no matter where the responsibility lies [with the media or with the department], **it can sound evasive.**

In his response to the quotes made by Police Commissioner Kelly and Paul Browne, Mr. Downing makes a distinction between how communication comes across to him and other community members and how it is intended ('I don't know where his heart is on', 'But I think what he meant was'). Moreover, he points out how such quotes can be altered or shortened by the media ('There is probably a pretty good chance that he said a lot more than that').

However, to Mr. Downing, it is more important how the communication comes across to other stakeholders, than how communication is intended, or who is responsible for the end result ('no matter where the responsibility lies'). Mr. Kelly's quote, for example, could lead himself and the community at large to believe he deliberately 'contains' the problem of the shooting and perhaps also wants to conduct a quick, yet not so thorough investigation. Although Mr. Downing gives Mr. Kelly the benefit of the doubt in regard to the last suggestion, such remarks, in the past, still resulted in negative perceptions held by the community on the NYPD ('which is what we used to think: That some of the department were waiting for the protesters to go away'). In turn, Mr. Browne's statement can come across as evasive and non-committal too, no matter who is responsible for its ultimate format ('from the point of view of the community, it could be looked at as evasive').

More indirectly, the statements above give insight into the immediate effects of the statements on Mr. Downing. While he only responded to the particular fragment 'I can't afford to have a visceral reaction' at my instigation, which indicates that the statement at first glance did not come across to him as particularly evasive, the fact that he does not know where the police commissioner's 'heart is on', shows how he believes more intuitively that the quote is non-committal and evasive. From a more general vantage point, Mr. Downing stresses on multiple occasions in the interview that he does not know what the intentions of the NYPD are ('But I think what he meant was', 'it is hard to get inside his mind'). This also indicates that the communication of the NYPD is nondescript.

#### LOURDES VENTURA

Contrary to the previous interviewees, Ms. Ventura is much more positive about the communication of the NYPD. Her observations during the interview were concise and clear:

*Ms. Ventura talking about the communication of the NYPD after the Sean Bell shooting*

**They were just very 'matter of fact', I think.** They just came out and stated **the facts as they knew them**, and as they were being developed. I personally did not see ... **I did not feel like they were hiding as they were reporting it, as it was happening.** I think that really, as it was unfolding, and when they were gathering facts, they were **trying to give it to the public, to let them know, to ease them, or to let them understand, this is what is unfolding right now, this is what we have.**

In this excerpt, Ms. Ventura positively appraises the communication of the NYPD after the Sean Bell shooting, arguing that they communicated openly with the public ('trying to give it to the public') by candidly, honestly and rapidly presenting the reality as to what had happened ('the facts as they knew

them’, ‘I did not feel like they were hiding as they were reporting it, as it was happening’). This in turn can lead to awareness, calmness, and understanding (‘to let them know, to ease them, or to let them understand’).

Ms. Ventura’s statement is in line with the observations made in this research that the communication deployed by the NYPD is factual rather than emotional (‘They were just very ‘matter of fact, I think’). However, she does not acknowledge the evasiveness or cautiousness in the statements made, nor the process determinism — all elements which have been discussed in Part II, Chapter 2. Her positive appraisal can be partly attributed to her coalition-oriented positioning, as explained in the previous section.

#### CHRIS DUNN

While most interviewed stakeholders focus on how they perceive and interpret the statements made by the NYPD in the press, NYCLU Director Chris Dunn mainly shares his experiences and views on how the NYPD operates behind the scenes. Systematic inclusion of such insights is beyond the scope of this research; yet it is still interesting to look at them briefly, especially as some of the observations made by Mr. Dunn concerning the informal communication processes that take place out-of-sight, correspond with this research’s analysis of the statements made by the NYPD in the *New York Times*.

First and foremost, Mr. Dunn believes that the NYPD aims to manipulate the coverage in the press immediately after a controversial police shooting:

#### *Mr. Dunn characterizing the initial reaction of the NYPD after controversial police shooting incidents*

Commissioner Kelly is very good about this; I **don’t mean that in a sort of commending sort of way**, [but] **they are very sort of competent about this**. They are **very careful about getting a story out early so they can kind of frame the debate and they recognize that usually the first story that gets reported in the press is the story that sticks in people’s minds**. So they very early on try to what we **describe [as] ‘characterizing and dirtying up’** the people who get shot: Sean Bell and the other guys in the car. As soon as they can, they try to pull out criminal records that people have; they try to highlight what they consider to be misconduct of people who were victims of a shooting like Sean Bell and the two other people in the car that got shot. [...] They make a real effort in a sophisticated way right at **the very beginning to paint a picture that makes *them* look good and makes the people who got shot look bad**.

[...] **Their first impulse is not to reach out and start talking to communities. That is something they may choose to do later**. Their first impulse is to do everything they can to get **the press to report it in a very particular way**. They’ve done that around a number of high profile incidents, **but Sean Bell is a pretty good example of that**.

The excerpts above give insight into how Mr. Dunn believes that the NYPD very effectively (‘they are very sort of competent about this’) tries to ‘paint a picture that makes *them* look good and makes the people who got shot look bad’. The NYPD for that matter has a defensive pro-police role in the debate, although Mr. Dunn does not specifically use such a connotation. This role is also reflexive

(‘their first impulse’), and not coalition-oriented, at least not immediately (‘not to reach out and start talking to communities. That is something they may choose to do later’). One of the techniques used is the subtle ‘dirtying up’ of victims, which inherently leads to victimization. The overall strategy also results in the manipulation of the perceptions of the general public (‘usually the first story that gets reported in the press is the story that sticks in people’s minds’). As an immediate effect, the approach leads to a negative, calculated image with Mr. Dunn (‘I don’t mean that in a sort of commending sort of way’).

While the NYCLU director makes these observations in reference to how he believes the Police Department communicates behind the scenes, his comments in fact are in line with the analysis of this research, and in particular with the subtle depersonalization of the victims, as well as the use of images that counter magnitude, as discussed in Part II, Chapter 2. However, throughout the interview, the NYCLU director stresses that this specific communication strategy to manipulate the story mainly occurs behind the scenes:

*Mr. Dunn speaking about the communication strategies of the NYPD*

**There is what Kelly may say officially on the record. There is also what the DCPI were telling reporters on the background and so Kelly is not necessarily going to stand up and say: ‘We pull the criminal records on these guys and here is what we see’. But Paul Browne, he will certainly be saying to reporters: ‘Here is the criminal history on these people’. So they are getting the reporting out about the incident they think is favorable to them even if Commissioner Kelly is himself not saying things like that.**

[...] In general he is very aggressive about defending the department and getting the department’s story out and I think that is certainly **more so than prior commissioners. Under Kelly, the press operation is very, very aggressive with reporters, which means they are very aggressive about giving things to reporters, if they think that it will help them, [and] they are very aggressive about trying to freeze out reporters, if they don’t want those reporters to have information.** You know, they are not there just answering questions that get asked to them; they are very proactive, they are very much out there trying to kind of shape the story, they are very active with reporters. **I think that Paul Browne oftentimes says things that he knows are not true and I think that when they give out information that there is a reason to believe that it is not true.**

[...] But oftentimes you will see information or reporting whether it is in the *New York Times* or the *Daily News* or the *Post* that is attributed to a senior-level Police Department source and **oftentimes that someone is either Paul Browne or someone in his office who is giving information, but they are not doing it on the record and that information is more important than the sort of official statements they make.**

[...] I routinely have reporters telling me things that Browne has said off the record — not for attribution — when they are reporting about this sort of controversy. **I have a pretty good sense of what the dynamic is between reporters and Browne and that is just part of what they do, I mean, they are very effective.**

Mr. Dunn provides a unique insight into how the NYPD — in his perception — operates behind the scenes. His observations are mainly based on the conversations he has had with journalists, who not



only maintain that the NYPD tries to manipulate the story by sharing the criminal records of victims, but also by screening favorable reporters from those whom the NYPD believes to write unfavorably about the organization, and by telling lies as to what happened ('I think that Paul Browne oftentimes says things that he knows are not true'). He maintains that Mr. Kelly is more aggressive in doing so than previous commissioners. While, again, these observations fall outside the scope of this research, it is interesting to see that those actions believed by Mr. Dunn to take place behind the scenes — i.e. the subtle discrediting of the victims and the shielding from those unfavorable to the NYPD (i.e. those presenting 'reality challenges') in fact resemble some of the deflective rhetorical strategies discussed in Part II, Chapter 2, i.e. not directly answering reporters' questions, and the communication of perceptions that diminish the magnitude of the powerful police critics' labels. In addition, the behind-the-scenes strategies discerned by Mr. Dunn also resemble the less subtle police defenders' tactics, such as the shielding of other realities and the 'consequential *ad hominem*' criticism of both the victims and those critical of the police.

These communication techniques not only lead to a skewed media representation, but also lead to a loss of credibility and a continuous distrust felt by Mr. Dunn towards the statements made by the NYPD ('I think that when they give out information that there is a reason to believe that it is not true').

During the interview, Mr. Dunn also mentions another strategy used by the Police Department, purposed to manipulate press coverage:

*Mr. Dunn characterizing the post 9-11 fear of criticizing the police*

**And this is part of what the Police Department is very successful in doing [...] that it has gotten kind of [seriously] to the point where most people in the city are afraid to criticize the department.** A lot of this is post 9-11. The notion that — the Police Department makes a big point of this — **essentially any criticism [towards] the Police Department can be couched as kind of helping the bad guys, and the bad guys now are terrorists, and the department regularly accuses us of things like that.** And, you know, people are generally reluctant to criticize the police in the first place. People are particularly reluctant to criticize the NYPD after 9-11. And you will see that in all the reporting. There are actually a very small number of people who are saying things that are critical of the Police Department.

It is interesting to note that those tactics brought up by Mr. Dunn in relation to the NYPD show resemblances with the previously discussed police defenders' strategies of self-victimization, and emotional/communicative blackmailing ('essentially any criticism [towards] the Police Department can be couched as kind of helping the bad guys'). In fact, this also comes to light in the interview held with Mr. Liddy and Mr. Mancini, as will be discussed further on. These tactics, according to Mr. Dunn, lead to a situation where there is a fear of criticizing the police. Moreover, as an immediate effect, it reinforces Mr. Dunn's perception that the NYPD is reflexively and predictably pitted against any criticism, whatever the validity of the claims made.

While Mr. Dunn speaks mainly about the behind-the-scenes communication of the NYPD, he also details the public statements made by the organization during the interview, although he does so less extensively, and mostly at my instigation:

*Mr. Dunn talking about public statements made by the NYPD*

**Institutions like the Police Department are very careful in delivery of what they say on the record, because they know it'll get reported exactly as they say it, so they've got the time to think about it, they have the time to write it out and see how it works you know, there is a whole process around that.** That is a very different situation than what's really happening behind the scenes in terms of trying to influence the reporting. So, you know what you see in the paper that is attributed to them or quoted is stuff that they know is going to be publicly attributed to them. **They've spent a fair amount of time paying attention to it, making sure they like what it looks like, and then it goes to the paper.**

[...] **I think the department is actually usually quite effective in terms of getting its point of view across. You rarely see things when you read them in the paper, you go 'Well that is completely ridiculous, how could they say that'.** You know, they've got a point of view on most things, and there are two sides to most stories — and **they are good at getting their side out.** [...] **Where I think they make some mistakes is if they don't like a story and they don't quite know what to do with it, they will just not respond. So it is not unusual to [have] a story of some significance where they just don't respond, so the story gets written and gets reported and there will be calls to the Police Department that will not be returned,** which I think is a mistake, because they usually have something to say about almost any controversy.

*Mr. Dunn responding to my suggestion that the communication of the NYPD could be better geared to the reality held by police critics and to the emotionally charged messages sent by this group*

**That is not their impulse.** I mean **their impulse** is: 'they've done nothing wrong'. They don't want to know it is a **possibility they have done anything wrong, they're not big in empathy. That's just not the way they talk.** [...] And they are **hypersensitive to criticism, so they don't want to do anything that opens a door suggesting that they've done something wrong.**

*Mr. Dunn explaining why the NYPD is more positive towards Al Sharpton than towards his own organization*

Sharpton is not the person he was 10 years ago in terms of being an activist in the city. He is much — and I don't say this is bad — but he is much less confrontational, much less involved with local issues and, for better or for worse, we are probably the institution that **is most often saying critical things about the Police Department and Kelly and Browne really, really don't like that.**

What is at first striking in these excerpts is how Mr. Dunn believes that the communication conveyed by the NYPD is premeditated and strategically crafted beforehand, which corresponds to the strategic communication perspective discussed in this research.

Such carefully planned communication results in effective, well-crafted messages according to Mr. Dunn ('You rarely see things when you read them in the paper, you go 'well that is completely ridiculous, how could they say that'). While the statements made are self-centered ('they are good at

getting their side out’), they are not necessarily harmful to the process of debate, as the messages themselves are fair, according to Mr. Dunn. Yet while the NYCLU director approves of these public statements themselves, he still perceives the NYPD as an organization that is ‘not big in empathy’, ‘hypersensitive to criticism’ (‘Kelly and Browne really, really don’t like that’) and, as an entity that believes that ‘they have done nothing wrong’ — all of which has been discussed in Part II, Chapter 2. Moreover, these notions can also be found in the exact same NYPD statements that Mr. Dunn approves of. These notions, in turn, are part of the predictable, reflexive role taken by the NYPD (‘That is not their impulse’).

During the interview, Mr. Dunn, similar to Ms. Jones-Brown, characterizes the boundaries and the restrictions that the NYPD has to deal with when communicating through the press:

*Mr. Dunn talking about the fatal shooting of 19-year-old unarmed Timothy Stansbury in January 2004*

Kelly came right out [after the incident]. It was one of the rare times he has ever done this and said it was a bad shooting. **He got a lot of criticism for that, but it was also perceived as something where he was trying to favor, kind of support with the black community and it was an incident where he felt like he could come out and say that and since then he has been much more careful in terms of the public statements that he makes about shooting incidents**, but the department is in overdrive in terms of trying to pitch reporters with information with an angle on the story.

In this excerpt, Mr. Dunn mentions the Stansbury case, in order to illustrate that it is difficult for the police commissioner to speak out more openly on police shootings, as such open communication can result in profound criticism. However, from a stakeholder-observant perspective, Mr. Dunn also points out that such communication is perceived as supportive to the black community, and thus can be positive too. Yet, in a similar way to Ms. Jones-Brown, he notices that Mr. Kelly does not speak out anymore about police shootings.

Mr. Dunn also talks about the specific communication after the Sean Bell shooting, but does so mainly after I presented him, during the interview, with some of the statements made by the NYPD:

*Mr. Dunn responding to the previously discussed quote of Police Commissioner Kelly: ‘I can’t afford to have a visceral reaction ... I am in charge of a 52,000-person organization. I am also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need the investigation to go forward as quickly as possible’*

Well, I mean, **he doesn’t say anything, he’s just saying ‘I’m not going to say anything right now’**, so a statement like that I think is probably fine, if that’s all **that was being done. But in fact, if he is making statements like that, the department is furiously trying to get things through the backdoor to reporters, so that that colors the reporting.**

*Mr. Dunn responding to my question on whether Police Commissioner Kelly could have included an expression of sympathy*

I think if you make a statement expressing sympathy for the victim, that implies at some level that the victim was not responsible for what happened or wasn't engaged in wrongdoing and **that undercuts the message that the cops haven't done the right thing.**

While Mr. Dunn observes that the police commissioner in fact does not say anything, which is in line with this research's analysis that the statement is nondescript and evasive, the NYCLU director also refers to the boundaries and restrictions that the NYPD has to deal with ('that undercuts the message that the cops haven't done the right thing'). The latter remark shows how the NYCLU director in fact accepts the fixed self-centered role taken by the NYPD as an incontrovertible fact, as he deems it normal for the NYPD to maintain that the officers have 'done the right thing'.

Besides commenting on the *New York Times* coverage, Mr. Dunn also responds to some of the analysis of this research, which I also presented him with during the interview:

*Mr. Dunn responding to my observation that the NYPD's quotes in the New York Times do not include the names of the victims or any references to '50 shots'*

I don't know if it is the reason why, but I can understand them for instance choosing conscientiously not to use his name and to describe that shooting in sort of very neutral terms as a way of **not trying to humanize the victims** because **the more you humanize them the more questions you have about what the police did and their instinct is that everyone else are the bad guys. They are the good guys.** It is a very **black-and-white sort of perspective** and they don't want to blur the distinction and the sort of things that you're quoting are completely consistent with that approach.

*Mr. Dunn responding to my observation that the harsh rhetoric of Mr. Barron is not well-accepted by those in defense of the police, who see such remarks as proof that all police critics are 'professional police haters'*

Well, it is certainly true that the department tries to lump everyone together, because **their approach is to lump everyone together, and take the most extreme statements, and kind of treat them as being representative of the [statements] by anyone who is not supporting the Police Department, which is in effect a communication strategy that is unfair, but they are not interested in fairness, they are interested in defending themselves.** I mean, we are very, very careful about who we make statements with. And we are very, very careful about whom we go to press conferences with for exactly that reason. And you won't see us holding press conferences with some of the extreme people who are out there criticizing the police, because that is just not where we are, that is not our position on things. **But, if there is a newspaper story and there is some extreme person and there is us, oftentimes in people's minds, those groups all get lumped together and certainly from the Police Department's perspective it is easy to lump them together.**

In our discussion of the analysis of this research during the interview, Mr. Dunn gives more insight into the role taken by the department in the debate. In the first excerpt, Mr. Dunn points out that the Police Department maintains a 'black and white sort of perspective' consisting of 'good guys' and 'bad guys', which to a great extent reflects the 'us-versus-them' positioning of both the NYPD and the group of police defenders as discussed in this research. This, in his view, could perhaps influence the

dehumanization of the victims in the official statements, which is in line with the ‘us-versus-them’ schism discussed in Part II, Chapter 2, comprising a personalized/distinctive ‘us’ component — characterized by uniqueness, capability and potential victimization — and a depersonalized/indistinctive ‘them’ component.

In the second excerpt, Mr. Dunn responds to my observations concerning the perceptions of police defenders, by talking about the NYPD. This shows how the boundaries between the two groups are not that clear to the NYCLU director. Moreover, it shows how he believes that both groups react to reality and debate challenges by ‘lumping’ all critics and criticism together, which leads him to believe that the NYPD is not interested in ‘fairness’, but in ‘defending themselves’.

#### MICHAEL PALLADINO

In the interview held with Mr. Palladino, the union leader primarily focuses on the role taken by the NYPD in the debate that ensued after the Sean Bell shooting. The following excerpts detail this further:

##### *Mr. Palladino characterizing the communication of the NYPD after the Sean Bell shooting*

To show you the difference between the [communication of the] police and the union — the Police Department is **a political animal too, they try to remain neutral or quiet, and just try to disseminate the facts, but they have to do it in a very diplomatic and political way, whereas the Union does not.**

[...] There was no doubt that the union was here to get the story straight and defend the people that we represent, whereas the Police Department is playing a **balancing act.**

[...] So the NYPD has, I guess, **a role and its responsibility**, and we have **our role and responsibility.**

[...] I think the people look at the Police Department, the citizens of New York City look at the Police Department, and **they trust that the department is going to act fairly, impartially.** The department is the people’s police force. The NYPD is the people’s police force and they have to act impartially and they have to gather the facts and report the facts as they occur, otherwise the public would lose confidence in them and that would be chaos. So, you know, in the end ... you know I have been on the NYPD for ... this is my 31st year and it is just imperative, **it is paramount that the public have confidence in their police force.**

[...] There are some people in the public that say ‘**Well why hasn’t the Police Department come out with what happened here?**’ Well the point is, they are doing an **investigation and a lot of this information has to be kept confidential.**

What is at first striking is how the union leader, similar to other interviewees, speaks of different debating roles, as if they were fixed certainties from which the different participants in the debate can’t deviate. For that matter, both the NYPD and the DEA have a ‘role and responsibility’, within the debating arena, in which both entities function ‘as political animals’. The role of the NYPD is perceived as ‘a balancing act’, in which it is ‘paramount’ that people ‘have confidence in their police

force’, yet the police themselves should have confidence in the police commissioner too. The NYPD thus has a stakeholder-centered role.

The communication voiced by the department is perceived as ‘neutral’, ‘very diplomatic’ and politically correct. The factual, non-emotional communication practiced by the department is not perceived as negative, but as imperative in order to stay neutral, and to act fairly and impartially. He also believes that this results in trust amongst New York citizens. While he can understand that some (police critics) believe the police is not disseminating facts quickly enough, he accepts that the department has confidentiality restrictions, and thus can’t disseminate all of the information. Underneath these positive observations, however, there is a slight hint of criticism. While Mr. Palladino understands the specific role of the Police Department in the debate, he indirectly implies that he would have preferred the police commissioner to defend the implicated officers to the same extent as himself.

#### WALTER LIDDY AND JOSEPH MANCINI

In the interview held with PBA administrators Mr. Liddy and Mr. Mancini, both interviewees speak candidly about the communication of the NYPD and the effects such communication has on other stakeholders. They started to convey their opinions immediately and proactively, before I asked them questions on their perception of the conduct of the NYPD. The following quotes give further insight into the perceptions held by Mr. Liddy and Mr. Mancini on the communication of the Police Department:

*Mr. Mancini and Mr. Liddy discussing the NYPD’s communication in general*

Mr. Mancini:

[The NYPD] are very **secretive**.

Mr. Liddy:

They are very well managed. It is a huge operation, and Paul Browne is the head of it. **He is a former newspaper guy. And everybody hates him.**

Mr. Mancini:

**Including newspaper guys!**

[...] Mr. Liddy:

**Nobody likes him. None of the people I know in the press like him.**

Mr. Mancini:

I have talked to a lot of guys at the shack, which is the police headquarters pressroom. **They all hate him.**

*Both talking about my request to interview Paul Browne or Police Commissioner Kelly*

Mr. Mancini:

**It will take you a year, it will take you half a year to get someone who will talk to you, they wouldn't know what to say.**

Mr. Liddy:

**They are not going to say anything — it is going to be a script.**

*Both talking about how Police Commissioner Kelly manages press relations*

Mr. Liddy:

**He will not sit down for an interview or for a profile of describing Ray Kelly and his career unless he knows before you sit down that it is going to be glowing**, that it is going to be totally basically making Ray Kelly the greatest crime fighter since Batman, you know what I mean? **So Paul Browne gets the marching orders from Ray Kelly and that is why Paul Browne either doesn't say anything or says it as blandly as possible.** Nobody does anything in that building without it coming directly from Kelly.

Mr. Mancini:

**He is a micro manager.**

Mr. Liddy:

**Completely micro manager, completely micro manager.**

Mr. Mancini:

**That's his reputation.**

*Both interviewees answering my question on why the Police Department appears to be more positive about the NYCLU than about Al Sharpton*

Mr. Liddy:

Yeah, but the head of the New York Civil Liberties Union, Chris Dunn, he tends to sue Kelly a lot and tried to depose him.

Mr. Mancini:

**And Kelly does have personal grudges.**

Mr. Liddy:

Yeah he is definitely a grudge holder but see they tend to go after Mr. Kelly directly where again, Ray Kelly ... you know ...

In the excerpts above, both interviewees convey negatively charged perceptions of the communication capacities of Mr. Kelly and Mr. Browne, arguing that they are not open ('they're secretive', 'It will take you a year, it will take you half a year to get someone who will talk to you, they wouldn't know what to say'), calculating ('He is a micro manager'), manipulative and pro-police ('he will not sit

down for an interview ... unless he knows before you sit down that it is going to be glowing') and evasive ('Paul Browne either doesn't say anything or says it as blandly as possible', 'They are not going to say anything — it is going to be a script'). These characteristics, in turn, are rooted in the department's/Mr. Kelly's sensitivity towards criticism ('Kelly does have personal grudges'). These perceptions are to a great extent in line with the nondescript, evasive, and cautious character of the perceptions dealt with in Part II, Chapter 2. Concerning my request to speak with the NYPD, the perceptions held on the communication approach of the NYPD, similar to that of Ms. Jones-Brown, in fact were more negative than reality turned out to be. The negative, historical interpretation on the communication of the NYPD again leads to pessimistic and unrealistic expectations on the future. In other words, the character of the communication practiced by the NYPD leads to negative perceptions, interpretations, and expectations held by the PBA.

Both interviewees also share their perceptions of how other stakeholders appraise Paul Browne ('everybody hates him', 'Nobody likes him, none of the people I know in the press like him', 'that is his reputation'). Such appraisals, in fact, can be seen as a result of the 'reputation' of Mr. Browne and his communication strategies.

What is interesting in the statements above is that while both Mr. Liddy and Mr. Mancini convey negatively charged perceptions of the NYPD, both interviewees do not say that they perceive the communication above as negative to their own objectives. Moreover, they do not denounce the conduct above, they just mention it. During other moments in the interview, the NYPD's nondescript response to the shooting is actually approved by both interviewees, while more outspoken communication is strongly denounced:

*Mr. Liddy responding to Police Commissioner Kelly's quote: 'I can't afford to have a visceral reaction'*

That's fine, that's what the mayor should have said.

*Mr. Liddy characterizing the NYPD's response to the Stansbury shooting*

We had a huge issue with Police Commissioner Kelly and he has cleaned up his comments since. [...] There was a shooting that took place on a roof of a housing project. It was an accidental shooting. [...] Now he [Commissioner Kelly] was under pressure, any time when the youth was black and the officer was white, listen, any time you have to deal with it, it is controversial. No matter what the circumstances are, it is always controversial. **Commissioner Kelly, the first words out of his mouth was and it was probably a slip: 'It appears to me that the shooting is unjustified'**. All our shootings, no matter what, I don't care if a person is robbing a bank, just killed 5 people and has a gun to a nun's head and you kill that bank robber, there is still going to be a grand jury investigation, investigating the police officer for taking a lethal deadly force, there is always going to be a grand jury investigation no matter what. So, to say it is unjustified before **you taint the entire grand jury pool** and to come from someone of his stature, I mean he is a police officer since 1962; our police commissioner came from the ranks of the New York City Police Department, to say it is unjustified without knowing, without getting the officer's side of the story, without knowing all the facts, **he created a huge controversy and it almost caused an irreparable**



**rift between the police officers and the commissioner. In fact, we felt so strongly that he prejudged our officer and really betrayed what we were all about, he betrayed his brother and sister officers, that as a union we had a vote of ‘no confidence’ at a union meeting and that was unanimous, so it was quite controversial at the time, but I will say, ever since then he has been very careful with what he says publicly. [...] Those words, whether it was a slip or he uncharacteristically said the wrong thing — that was a major blow to our self esteem.**

[...] Bloomberg is a politician, you know, he carries himself in certain ways, being a multi-billionaire he’s got a certain detachment to what the real world is, so you’re not shocked when he throws you under a bus or prejudices you, **but to come from someone with the stature of Ray Kelly it was a blow and I’ll tell you right now since Pat Lynch has been the PBA president it is the first and only time that we ever voted no confidence for any boss let alone a police commissioner and we really feel it had its effect.** Now the relationship has gotten much, much better.

[...] Coming from him at that more particular shooting when he said it’s not justified, **it is a blow to all of us. I mean this is one of our own, you know. Again, he learnt from that because you saw his quote with this shooting which is a lot more controversial than the other one.**

While the NYPD’s statement in the Stansbury case is the exact opposite of the ‘bland’, nondescript communication described by the two interviewees, the police commissioner’s words are heavily denounced, as it is not in line with the (rigid) reality held by the PBA on the effects of such communication, as will also be pointed out by Mr. Browne in the next section. Conversely, the nondescript response to the Sean Bell shooting is approved by Mr. Liddy. In other words, while both interviewees contend that the Police Department speaks in nondescript terms and is evasive and cautious, resulting in a detrimental effect on the perceptions held by other stakeholders such as the press, it is in fact this communication that is highly preferred by the PBA, as a more outspoken stance (presumably apart from a clear statement concerning the support of the implicated officers) jeopardizes the fairness of the investigation (‘you taint the entire grand jury pool’) and the morale of the police as a whole (‘it is a blow to all of us’), thus leading to victimization (‘a major blow to our self esteem’, ‘betrayed what we were all about, he betrayed his brother and sister officers’). Consequently, such communication has a highly negative impact on how the PBA views the Police Department (‘he betrayed his brother and sister officers’), and how the communication affected the relationship with the Police Department (‘it almost caused an irreparable rift between the police officers and the commissioner’, ‘as a union we had a vote of ‘no confidence’ at a union meeting and that was unanimous’).

From a different vantage point, the quotes above also give insight into how the Police Department is constrained by the PBA (‘ever since then he has been very careful with what he says publicly’, ‘Again, he learnt from that because you saw his quote with this shooting which is a lot more controversial than the other one’). The communication approach described in Part II, Chapter 2 is thus partly a product of the union’s communication strategies. Yet according to both PBA administrators,

there remains some leeway in the way the department can communicate, as becomes clear in the following excerpt:

*Mr. Liddy responding to my question on whether the police commissioner could have communicated an 'expression of sympathy to the victims' in the press*

No, no, absolutely no problem, in fact the commissioner and Mayor Bloomberg made it a point to go to the wake, go to the service. That's a terrible situation that. That was just a horrible situation. **Of course you sympathize with the family.**

Thus, the PBA maintains that the police commissioner certainly is granted some leeway in his communication, as long as it fits within the boundaries described above.

#### GARY LEMITE

The perceptions of Detective Lemite are much in line with those held by Mr. Palladino and Ms. Ventura:

*Detective Lemite characterizing the overall communication of Police Commissioner Kelly*

It is unprecedented. To me, it would appear the **communication, the open door, every time I am watching the news, the police commissioner is the eyes and ears of the Police Department and he is always commenting on different situations.**

[...] I know you have the whole screening process through [Deputy] Commissioner [of Public Information] Browne's office, I am sure there **is a lot of politics that go on to give people access**, I am really not that familiar with that whole screening process. Like I said, whenever I turn the news on, and look in the newspaper, there's **the police commissioner being quoted on whatever the topic seems to be**. But, you know, I have to be very careful, because he is my boss.

In Detective Lemite's view, the police commissioner communicates openly and honestly, although he admits his perceptions are based on what he sees on television: He does not have insight into the interaction between journalists and the DCPI, a process that might be political and sluggish. Moreover, he does not mention specific examples of such open communication, for example after the Sean Bell shooting, although he does approve of the police commissioner's response to the latter, when confronted with the police commissioner's quotes during the interview held with him:

*Discussion of Police Commissioner Kelly's quote: 'I can't afford to have a visceral reaction ... I am in charge of a 52,000-person organization. I am also the final determiner as far as discipline is concerned in any process that goes forward. So I reiterate that I think we need the investigation to go forward as quickly as possible'*

Detective Lemite:

**That is what I would like an Al Sharpton to do.** The police commissioner, what he is saying, I have to go with what he is saying, he is saying he is **waiting for all the facts to come out, he has to review everything, it is a very lengthy process, you have to get whoever is interviewed by the media, we also like to interview them** [*explains procedural*

rules]. **So, to me the most important thing is to be thorough, especially when someone dies.**

Michelle Knight:

If he would have said, 'It was a tragedy for the victims'; would that be OK for you as well?

Detective Lemite:

Oh, absolutely. Definitely. **I don't think it would have hurt. It is always good when you are sympathetic.** [...] He has got to be very careful and wait for all the facts to come out. Because as a police commissioner you don't want to be sympathetic to someone who turns out to be maybe the aggressor.

*Detective Lemite responding to my question on whether the police commissioner could have made the same statements as the mayor did*

The police commissioner could have said that, **absolutely, and it would have probably made the community feel better. But it definitely would have hurt the way some of the people that work for him [see him].** They are out there working every day and [...] risking their lives; **it would have made them feel like there is no support.** The thing that we are taught from the very beginning is that you've got to do a thorough investigation, before you come up with a conclusion. **So that is all the police ever really asked for.**

Detective Lemite approves of the statement made by Police Commissioner Kelly, partly because his desired process of debate is in line with that of the NYPD, i.e. a thorough process of investigation ('to me the most important thing is to be thorough, especially when someone dies'), which is in fact a desire that is held by the entire police force ('that is all the police ever really asked for'). Although the detective partly supports a more emotional, visceral reaction ('I don't think it would have hurt. It is always good when you are sympathetic'), especially from the perspective of the community ('absolutely, and it would have probably made the community feel better'), he also points out that such a reaction could have had a negative effect, ranging from the fact that 'you don't want to be sympathetic to someone who turns out to be maybe the aggressor', to a loss of confidence ('it would have made them feel like there is no support'). The excerpts above for that matter again show how the NYPD is restricted in its communication.

What is interesting is that when Detective Lemite is confronted with the nondescript, non-committal character of the statements made by Paul Browne, the detective is less positive about the NYPD's communication:

*Detective Lemite responding to the previously discussed quotes made by Paul Browne*

I think if he was teaching a course he would ... he would ... you know ... **teach to make the victim in a way where you can't really identify with him and not to make that person look like a victim.** I think that is the way he will probably teach it. **That pattern that we were talking about, of which I was never aware of. That's got to be exactly what he was doing.**

When confronted with the quotes of Mr. Browne, Detective Lemite's observation is more in line with this research, which has also demonstrated how the NYPD subtly depersonalizes the victims. In fact, the communication is so subtle that the detective was 'never aware' of it.

#### CHARLES TESTAGROSSA

Queens Assistant District Attorney Charles Testagrossa — from a stakeholder-observant perspective — again focuses on the role taken by the NYPD in public debates such as the one following the Sean Bell shooting. These quotes further elaborate on how the prosecutor sees such a role:

##### *Mr. Testagrossa characterizing the role of the NYPD in public debates*

The Police Department, usually **through the police commissioner, or his spokesman, will make statements** that will **defend the conduct of the police officers initially and that is really typical I think**. We saw that in Sean, Diallo and some of the other cases involving deaths caused by police officers in their on-duty activities.

[...] I mean, there is a **reflexive tendency to defend the actions of members of the service, which is not necessarily wrong**, I mean you have to understand where it is coming from. A shooting which is found to be unjustified reflects poorly on the Police Department itself, on training and several other aspects of any police department, so **the first reaction by the police hierarchy is to say that the police officers were justified and the victims were at fault and that happened here and certainly if it didn't happen officially it happened through a number of other outlets that would come to the defense of the police**. Their unions, their union delegates, the presidents of their union will get that point of view out in the newspaper as quickly as possible.

Mr. Testagrossa interprets the communication practiced by the NYPD from a historical framing of typical and reflexively defensive responses that are conveyed in the early stages of the aftermath of a controversial shooting. The NYPD for that matter has a fixed, predictable role in the debate. However, conversely to other stakeholders, the prosecutor does not necessarily evaluate such responses negatively ('which is not necessarily wrong'); only certain segments of the NYPD's communication are viewed as unhelpful and unconstructive, as will be further discussed below.

As a part of this pattern, Mr. Testagrossa perceives the response to the Sean Bell shooting by the police commissioner, or his spokesman, as defensive too ('We saw that in Sean'), while in the coverage of the *New York Times*, as discussed throughout this research, the NYPD did not explicitly defend the implicated officers in its official statements. In other words, the defensiveness perceived by Mr. Testagrossa might be caused by other elements in the NYPD's communication.

The prosecutor also indicates that the reflexively defensive response can come 'through a number of other outlets', i.e. the unions and friendly newspapers. The prosecutor for that matter sees the role of the police defenders, the NYPD and media as 'interdependent', each of the different entities playing its part to defend the conduct of the officers. Within this larger mechanism, the NYPD often communicates subtly and indirectly, rather than making more direct defensive statements. An example of this occurred during the aftermath of the Sean Bell shooting:

*Mr. Testagrossa describing the interaction between the Police Department and the media*

And then you had other things coming out kind of ... **not into official channels, but making their way into newspapers about criminal histories of the victims.** Now, there is no way that the Police Department should be putting that information out in the newspapers, **but somehow it manages to get out.** In a lot of these cases, I think with Amadou Diallo, he didn't have a criminal record at all, so they started questioning his immigration status. It is a **way of just smearing the victims before you ever get to the actual facts of what happened.**

While it falls outside the scope of this research, it is interesting to see how the prosecutor, similar to Mr. Dunn, believes that manipulative behind-the-scenes strategies such as the 'smearing' of the victims negatively influences the newspaper coverage on the Sean Bell shooting and other controversial police shootings, and how this in fact is in line with some of the observations made in this research concerning the subtle criminalization and depersonalization of the victims.

In addition to this defensive mechanism, the defensive stance of the NYPD (and in a broader sense, its interdependent allied stakeholders) also comprises the simplification and rejection of criticism:

*Mr. Testagrossa characterizing the NYPD's communication approach and its effects*

That is the problem you have **when you paint everybody with a broad brush and mop them all together** and then **don't listen to anything they say; some valid points may be raised and you should, if you're responsible and you try to improve the department, avoid these situations in the future. You should try to cross through everything and find those valid points that people are making.**

[...] I mean, the police actually did some measures in the aftermath of the case to address some of these specific criticisms that were raised ... I think before we even went to trial or maybe right after our trial ended, they put in place a mechanism to test a police officer for sobriety in the aftermath of a shooting. See, there was a valid concern there that members of the critics were raising and through all their **rhetoric and noise, the Police Department heard at least that.**

In the excerpt above, Mr. Testagrossa negatively evaluates the rigidly defined reality held by the NYPD and its allies, in which all police critics are seen as an unreliable and noisy 'them' ('when you paint everybody with a broad brush and mop them all together'). By doing so, the NYPD and its allies shield themselves from the reality held by these critics ('don't listen to anything they say'). As a negative result, 'valid points' might be overlooked by just focusing on the rhetoric and the methods of communication ('noise') deployed by police critics. The prosecutor for that matter positively evaluates the sobriety test measures as 'good communication', as the Police Department was able to distil criticism from rhetoric ('the Police Department heard at least that').

Mr. Testagrossa does not proactively speak about the word choice of the Police Department, but when confronted with this research's observation that the NYPD scarcely refers to the names of

the victims in the *New York Times* quotes, the prosecutor interprets such communication in a similar way to that as done in this research:

*Mr. Testagrossa responding to my observation that the New York Times coverage does not include an expression of sympathy from the NYPD*

To not ever refer to the victim by his name is definitely **a conscious choice** ... I don't see what the point is to that, except possibly to **dehumanize the situation**.

The prosecutor interprets the fact that the name Sean Bell does not appear in the quotes in the *New York Times* as a 'conscious choice' — it is of course not certain that the police commissioner did not do so, as the *New York Times* acts as a filter — that could aim to 'dehumanize the situation', which is also observed in Part II, Chapter 2.

While Mr. Testagrossa negatively evaluates these subtle strategies, the prosecutor does show understanding for the defensive responses to reporters' questions, by which the NYPD purposely does not reveal its desired outcome of debate:

*Mr. Testagrossa responding to my question on whether Police Commissioner Kelly could make more forceful statements*

**Kelly should not make any statements, because Kelly is the commissioner of the Police Department.** There was a case a few years ago, where he did make a statement which indicated that he thought the police officer's conduct was unjustified and got **tremendous criticism for it**.

[...] On the other hand Commissioner Kelly — and I think any police commissioner — is best advised saying ... not making a **statement on what they think and just saying they will investigate it and we will get to the bottom of it and we'll see if the behavior here was appropriate or inappropriate**, because **you don't really know at the beginning of the investigation**.

[...] **People may be angered because you're not expressing an opinion one way or the other, but you're not going to have to apologize for making a misjudgment later on.**

*Mr. Testagrossa responding to Police Commissioner Kelly's remark: 'I can't afford to have a visceral reaction so I reiterate that I think we need this investigation to go forward as quickly as possible'*

I think that is **absolutely appropriate for him to say because if he goes one way or the other he could be proven wrong by the facts, he is going to alienate one side or the other**, I mean he represents the Police Department but again he is the police commissioner of the Police Department for the entire city, **so he hasn't got a constituency of 8 million people like the mayor does**. But on the other hand **he has to be concerned with how his statements are viewed by the people of New York City as well as [by] his own Police Department**. If he makes a statement early on, critical of the police officers' conduct, he will be accused — and it happened in the past — of **prejudging the situation and jeopardizing the police officers' opportunity to have a fair investigation**.

Mr. Testagrossa argues — from a stakeholder-observant perspective — that the commissioner should not make any statements in the early stages of the investigation, as it could have a detrimental effect on the process of debate ('he is going to alienate one side or the other'), as has been proven in the

Stansbury case. In addition, the prosecutor maintains that such statements can negatively affect specific judicial processes ('prejudging the situation and jeopardizing the police officers' opportunity to have a fair investigation'). According to the prosecutor, the position taken by the NYPD in the aftermath of the Sean Bell shooting in that sense is a good one, as it is in line with the specific role the police commissioner has, i.e. the representation of the Police Department for the entire city. This role of the commissioner for that matter is a dual one, as 'he has to be concerned with how his statements are viewed by the people of New York City as well as his own Police Department', although the primary responsibility is the representation of the commissioner's direct constituency, i.e. the police officers.

Yet, similar to other stakeholders, Mr. Testagrossa argues that there is some leeway in the communication approach of the NYPD. While Mr. Testagrossa did not notice that there is no expression of sympathy in the *New York Times* coverage, such an expression would have been appropriate in the eyes of the prosecutor:

*Mr. Testagrossa discussing the benefits of an expression of sympathy*

**O yeah, I think that would be appropriate — because even if the police behavior were found to be justified, you still have a civilian who lost his life ... [who] in this situation really didn't do anything to justify being killed.**

**I don't see where that would be a problem for him. I don't know if that would help, you know, sometimes families are so angry about the death that has happened, that they reject expressions of sympathy and get very angry but I think on a human level it would be a worthwhile thing or sentiment to express.**

Thus, while the prosecutor — from a stakeholder-observant perspective — deems it appropriate for the police commissioner to offer sympathy, he is not sure whether such sympathy would be beneficial to the process of debate ('I don't know if that would help'), due to the perceptions and interpretations held by the victims' families.

MICHAEL WILSON

Similar to some of the other interviewees, *New York Times* reporter Michael Wilson does not positively evaluate the historical pattern of the communication practiced by the NYPD. However, he does so in less stark, more nuanced terms:

*Mr. Wilson describing the communication of the NYPD*

Well, historically the Police Department **is not a great communicator I ... think**. They are **not known for great communicating, especially if police officers have possibly done something wrong**, then it is hard to get **all the information you want as a reporter** so that **the public doesn't see this much**. That said, it is not infrequent for the police to shoot people, you know, there is a lot of crime, and when they do, **they are very quick to say what happened and say, look this guy had a gun**, they give a picture of the guy's gun to all the reporters and everything, so it's like boom, boom, boom, and that is how the majority of them

are. **Sean Bell was rare, because it was such a large number of shots fired and they never found any kind of weapon, so the police were on the defensive the whole time in terms of information.**

[...] In a situation like this the police have all the facts and no one else does, so for my sake, and **it is selfish for me to say, I would want more access to the facts you know.** That is what's always lacking in a situation: What happened, what happened, what happened.

In this excerpt, Mr. Wilson first maintains that the NYPD is a defensive communicator, especially when there is a possibility that misconduct is involved, such as in the Sean Bell case. He observes this from his own self-centered perspective, i.e. by looking at 'all the information you want as a reporter'. It is for that matter no surprise that Mr. Wilson, from the same perspective ('it is selfish for me to say'), in an ideal situation would like more access to information. Mr. Wilson also focuses on the facts-driven character of the communication, that results in a quick dissemination of the facts when they are in favor of the implicated officers ('look this guy had a gun'), but in the Sean Bell case, which was controversial, the Police Department was 'defensive', as they couldn't or wouldn't provide adequate information. Both observations made by Mr. Wilson are in line with this research's analysis, which also discerns the defensive approach and the facts-driven character of the communication uttered by the NYPD. He does not observe the facts-driven approach in itself as bad, as it is in line with his own facts-driven reality.

In other segments of the interview, Mr. Wilson details why the response of the NYPD might be defensive. He does so by responding to some of the quotes made by the Police Department, which have also been discussed in this research:

*Mr. Wilson responding to a New York Times excerpt on Mr. Browne: 'When asked about the policy [on discharging firearms at or from a moving vehicle], Paul J. Browne, the department's chief spokesman, said, "What we look at is the totality of the situation." He added: "We don't know the totality of this event yet." But of the two previous shootings, Mr. Browne said, "There was more than the threat of the automobile alone involved"'*

That sounds like all he would have said. **He didn't answer the question you know.** [...] What we asked him was: What is the department policy on shooting a gun at a moving car? Are you trained to do it, are you trained to *not* do it? And 'What we look at is the totality of the situation' we heard that and that is all he said; in other words that is my feeling. I don't remember that day of course, **but I worked with that office long enough to know.** I'm sure that's what happened.

[...] Yeah, he didn't really answer that question, I just don't know why ... if he just didn't know the answer or he didn't like the answer, so you know, **he says that instead.**

[...] Yeah, if they can't answer a question, they're not going to say: I can't answer, I don't know. They are going to say something like 'We look at the totality of the situation', **a vague but not an informative answer.**



*Mr. Wilson responding to the earlier discussed quote articulated by Police Commissioner Kelly: 'I can't have a visceral reaction'*

[Mr. Kelly's response] is consistent with his personality. Other police commissioners might have said something else to that. He is not going to sell his cops down the river. I mean he is not going to say 'This looks awful; it looks like my detectives acted in error'. He is also not going to say it in the other direction you know, 'It looks like the detectives were doing what they were trained to do when presented with this situation', **so instead he says nothing.**

In Mr. Wilson's view, both Paul Browne and Police Commissioner Kelly respond with evasive, nondescript answers ('a vague but not an informative answer', 'so instead he says nothing') to queries that they are unable or unwilling to answer, thus consequently not answering them. Mr. Wilson also stresses that — in Mr. Kelly's case — this is due to his positioning in the debate, in which he does not take sides, and thus does not give insight into his positioning.

In short, the communication practiced by the NYPD results in a perception held by Mr. Wilson that the Police Department is not a great communicator, and is defensive, non-informative and evasive when a police shooting, such as the Sean Bell case, is controversial.

## CONCLUSION

While the characterization of the NYPD's communication is more diverse than that of police critics, there are certainly common characteristics in the answers given by interviewees. First of all, it is salient how most interviewees — either explicitly or implicitly — view the role taken by the NYPD in public debates as fixed and predictable, similar to the static portrayal of police critics in the previous section. Yet while the latter group — according to interviewees — manifests itself reflexively as an anti-police aggressor, the NYPD is conversely mostly viewed as reflexively and rigidly pro-police and hence acts highly defensively, while being indifferent to the needs of other stakeholders. This characterization is shared by a number of interviewees from both sides of the debating arena, hence also by some police defenders. However, not all interviewees agree with this portrayal: Mr. Palladino and Detective Lemite believe that the NYPD performs a dualistic role geared towards its direct constituency but also to the outside world and thus also takes this role in the public debate, i.e. that of a representative of the Police Department for the entire city. Others do point out the existence of such a role, but present it as a desired role rather than a current one, as the NYPD right now in their view positions itself rigidly as pro-police.

Interviewees point out that the role taken by the NYPD does not stand on its own, but is interrelated with the broader interactions between stakeholders in the debating arena. Some specifically point out that the role of the NYPD is linked to that of the police defenders and media, each of the different entities playing its part in defending the conduct of the officers.

According to a number of interviewees, the roles taken by Police Commissioner Kelly and Mr. Browne fit within the broader defensive role, although some believe that the positioning taken by Mr. Kelly deviates from this pattern, as they believe he actively responds to the community, thus

acknowledging the existence of their held reality concerning issues and their desired outcome of debate. Conversely, those interviewees discussing the role of Mr. Browne unanimously agree that he is pro-police, highly defensive, and indifferent to the needs of the community. These stakeholders' appraisals are to a great extent in line with the nondescript, evasive, and cautious character of some of the perceptions conveyed by the NYPD, as discussed previously.

A number of interviewees argue that the role is not driven by fairness, but instead is rooted in political motives, a hypersensitivity to criticism, a self-centered facts-driven reality, an unwillingness to take sides publicly, and a black-and-white perspective, i.e. the 'us-versus-them' schism. From a different vantage point, the role is shaped by certain communication restrictions, some of which are enforced by other stakeholders, such as unions, lawyers and police officers, but also by the rigid positioning of police critics. For these reasons, the role taken by the NYPD is pessimistically accepted by some as an incontrovertible fact. In turn, interviewees frequently base the existence of this role on the historical framing of typical and reflexively defensive responses.

Those who maintain that the NYPD takes a defensive role in the debate consequently argue that the resulting communication is predictable, selectively cautious, restricted, uninformative, self-centered, non-committal (especially in regard to culpability), process-focused, non-empathetic, defensive and even unreliable. According to a number of the interviewees, the statements made by the NYPD paint a polarized picture of the NYPD on the one side and those critical of the police, or the victims of police shootings, on the other. Only some of the interviewees stress that the department communicates openly, rapidly, honestly and diplomatically. All believe that the communication is facts-driven, yet this does not always result in factual communication.

A number of the interviewees who believe that the NYPD is defensive, especially police critics, consider such communication insufficient, unhelpful, weak, incomprehensible and unnecessary. They believe that the communication should be more informative and more committal, while it should reflect the desired outcome of debate of the community as well as their held interpretative framing on the pattern of police misconduct and racial injustice. Others approve of or understand the defensive communication, as it is in line with their objectives and reality, or they understand the restrictive boundaries and the difference between how communication is intended and how it comes across.

The NYPD's response to the Sean Bell shooting is, according to most interviewees, in line with the way the department usually communicates. While some believe that the commissioner communicated candidly, honestly and rapidly, others believe that he did the reverse. Either way, it is striking how interviewees often can't bring up examples of such communication. In other words, they are intuitively referring to their interpretation of the role usually taken by the department, while maintaining that their perceptions of the Sean Bell shooting are in line with this interpretation, without actually knowing any such examples. When discussing the statements made by Mr. Kelly and Mr.

Browne after the Sean Bell shooting, most agree that the communication is non-committal and self-centered. While some disapprove of these characteristics, others again understand the restrictions, and hence appreciate what was said, especially by Police Commissioner Kelly, or approve of the communication, especially when it is in line with their desired process of debate.

What is striking is how a number of interviewees, mainly police critics, believe that the NYPD's actions, such as the fourth man investigation and the sobriety test measures, are correlated to the way the department communicates. More specifically, the actions taken by the Police Department taint the perception of the NYPD's communication in general and vice versa. Moreover, some of the behind-the-scenes strategies mentioned by critics, such as the sharing of criminal records, the exclusion of unfavorable reporters, but also self-victimization, show resemblances with some of the communication characteristics displayed in the public debate, both by the NYPD and by police defenders. Mentioned communication strategies include depersonalization, mitigation/moderation, polarization, the simplification and rejection of all criticism, evasion of communication, and the shielding from the reality held by police critics.

The interviewees bring up various and diverging developments as a result of the communication approach of the NYPD. Those negative towards their communication argue on the one hand that it fuels racism and stimulates police misconduct, while on the other it upholds the public's inability to understand the NYPD and its intentions and sustains their negative image. It also leads to a skewed, polarized presentation of reality in the media, which, in turn, exacerbates these effects, and can affect the opinions of the general public, who can become afraid to criticize the police. Of further interest is how the police's shielding from all criticism, according to interviewees, results in the rejection of valid criticism. Overall, the communication cultivates an 'us-versus-them' schism, exacerbating patterns of victimization and antagonism. All of this can harm the judicial processes, the public debate, and the relationship between the police and the community.

Immediate effects, especially towards Mr. Browne's communication, include intuitive negative characterization, simplification and rejection; a pessimistic (and at times unrealistic) outlook on future communication; direct inflammation, antagonism and loss of trust towards the conduct of the department (as actions and communication are correlated), and an unwillingness to communicate, leading to an obstruction of the communication processes.

In turn, those elements appraised positively, such as the sobriety test measures and the statements made by Inspector Blake, lead to approval and an increase of trust amongst interviewees. Moreover, the interviewees argue that the positive aspects of communication can result in a higher level of credibility amongst community members and de-escalation of the tense relationship between community and police. This, in turn, can lead to awareness, trust, calmness, and understanding. Those who positively appraise the overall communication effort maintain that the statements themselves are fair and thus positively influence the process of debate.

What is salient in the analysis is that some of those interviewees who believe that the police communicate defensively, also believe that the communication that is more open or empathetic can have negative effects too. Such effects include obstruction of the judicial and departmental disciplinary process, as well as the day-to-day operations of the NYPD, police victimization, decrease in morale, a loss of trust, decreased relationship with the unions and mistakes in judgment leading to overall alienation. Yet in spite of all these mentioned drawbacks there is also some leeway within the scope of NYPD communication, as most interviewees do partly support a more emotional, visceral reaction in response to police shootings.

Overall, this analysis has revealed the complex position that the NYPD, to a certain extent, is forced to take in its communication, due to the paradoxical character of stakeholders' appraisals. While the defensive nature of the communication is accepted as an incontrovertible fact due to the restrictions that are often enforced by other stakeholders, and while some even approve of this defensive nature, as it is in line with their own objectives, the communication will nevertheless sustain the negative image held by the community, but also the intuitively held perceptions of the interviewees themselves, including those of some of the interviewed police defenders. Moreover, communication that is more open can antagonize other stakeholders, or have a negative effect on the process of debate, due to the restrictions mentioned above. The way this communication comes across to other stakeholders for that matter has a more profound effect on the process of debate than how the communication is intended, or who/which force is responsible for producing it.

The appraisal of communication and the rigidity of the interviewees' own positioning again entail a two-way causal relationship. Those who are more coalition-oriented are remarkably milder in their evaluation of the NYPD's communication than those who are not. Moreover, as most interviewees appraise the department's communication from their own self-centered perspective, the appraisal is much more positive when the desired process and outcome of debate are in line with those of the interviewed stakeholder, although this isn't always the case. From a broader vantage point, the rigid positioning of the NYPD can amplify the rigid positioning of other stakeholders, but also vice versa.

### 7.3 Interviewees' appraisals of police defenders

Most of the interviewed stakeholders talk at length about their perceptions and interpretations of the communication of police defenders. The interviewed stakeholders especially have a strong opinion about the two police unions, which are organizations that — also in this research — make up an important segment of the group of police defenders.

#### CHARLES BARRON

New York City Councilman Charles Barron has an outspoken opinion on the communication of those defending the implicated officers, which he conveys extensively and profoundly throughout the conducted interview. It is important to note, as discussed in Section 7.1, that the city councilman upholds a different conception of the term 'police defenders' than the one chosen for this research, which broadens the delimitation of the notion to the political and judicial machine that cooperates with the police. A lot of the interview focused in fact on the interaction between these different entities.

The city councilman also has a strong opinion on the group labeled in this research as 'police defenders', in which the DEA and the PBA play an important part. In his perception of the communication of this group, he focuses particularly on the specific role taken by both unions in the debate that ensued after the Sean Bell shooting, as the following excerpts exemplify:

*Mr. Barron 'defining' the function of the PBA*

[The PBA is] the brutality association [...] because that is what they are. Patrick Lynch is **the defender of police brutality and police murders**.

*Mr. Barron characterizing the role of the PBA and the DEA leaders*

**[Mr. Palladino] is a pathetic unrelenting defender of police brutality and killings and so is Patrick Lynch.**

**[Mr. Lynch] is there to defend the police.** When I was growing up in my neighborhood and we hung out with your boy, with your man you know, right or wrong: You're my man you know, and you are going to defend even when your friend is wrong, you're going to defend them because that's your guy. When you get to be a man and a woman and you are mature, it goes beyond you're my man, you're my friend ... it goes to principles. Right and wrong. It goes to justice. He hasn't graduated, he has a **little boyish relationship**, you know, **teenage relationship with the Police Department**: 'I'm gonna defend **them no matter what they do**' and **that's what he does and that's what the detectives' union does**.

*Mr. Barron responding to my question on the background to the previously discussed Op-Ed article written by Mr. Leuci*

[The mindset of Mr. Leuci] **comes from ignorance, from racism, from denial, and overprotection of police murder, and brutality and discourtesy.**

In the eyes of the city councilman, the unions have a clear, fixed role in the debate, i.e. ‘to defend the police’. Mr. Barron has a negative perception of this specific role taken by the police unions, as he sees the unions as ‘unrelenting’ defenders of ‘police brutality and police murders’. In a broader sense, the unions have a close, loyal and fraternal, yet unprincipled and unhealthy (‘little boyish’, ‘teenage’) interdependent relationship with the Police Department, in which the former reflexively defends the latter ‘no matter what they do’. Yet apart from the fraternal mindset of police unions, the automatic defense of the police also has different roots — not just related to unions — stemming ‘from ignorance, from racism, from denial, and overprotection of police murder, and brutality and discourtesy’.

Due to the predictable position taken by police defenders, the communication of this group becomes predictable in the eyes of Mr. Barron (‘that’s what he does and that’s what the detectives’ union does’). The police defenders’ response to the Sean Bell shooting for that matter was in accordance with this perceived role, as the city councilman conveys in other parts of the interview:

*Mr. Barron responding to my question on how he felt Mr. Palladino communicated after the Sean Bell shooting*

**Horribly. He justified it,** as a matter of fact, the detectives’ union felt that **there shouldn’t even have been a trial, there shouldn’t even have been an indictment, there shouldn’t even have been a case, they were just doing their jobs and Sean Bell caused all of this.**

This quote not only shows how Mr. Barron’s analysis of some of the characteristics of the police defenders’ communication is in line with the analysis of this research, the quote also shows how these characteristics are not valued positively by the city councilman. More specifically, the excerpt demonstrates how — in the vocabulary of this research — Mr. Barron perceives the rigidly delimited desired outcome of debate held by police defenders, captured in the label ‘All officers deserve fairness’ (‘there shouldn’t have even been a trial, there shouldn’t have even been an indictment, there shouldn’t have even been a case’) and the equally rigidly defined reality held by police defenders (‘He justified it ... they were just doing their jobs and Sean Bell caused all of this’) as bad communication (‘horribly’), and an example of a reflexive and predictable response.

It is also interesting to see how the city councilman views the effects of the communication practiced by police defenders:

*Mr. Barron responding to my question asking whether he has communicated directly with Mr. Palladino*

In passing. **I wouldn’t even waste my time,** because **he is a pathetic unrelenting defender of police brutality and killings and so is Patrick Lynch. So what have I got to communicate with Patrick Lynch** in passing through the media. *[Ironical voice]* We could sit down and [say] ‘Stop the police from killing us, and brutality, and this is not right Patrick, don’t you understand?’

*Mr. Barron responding to my question on what he thinks of Mr. Leuci's previously discussed opinion article*

**I try not to read stuff like that. This is absurd.** Real people died. **I have a litany that I can go down the line with you on the forty, fifty people that died at the hands of the police.** We are not anti-police, we are anti-police brutality. We are not anti-police; we are anti-police use of abusive deadly force. We don't make a career out of this. **We are not ambulance chasers, we are the ambulance.**

The excerpts above show how the specific nature of the police defenders' communication results in the disapproval ('This is absurd') and the premeditated disregard ('I wouldn't even waste my time', 'I try not to read stuff like that') of the reality and desired outcome of debate held by police defenders. In turn, this premeditated disregard results in a direct obstruction of the communication processes. This obstruction involves a two-way causal relationship: The rigid positioning held by the city councilman, characterized by his refusal to speak with the union leaders, has an equally hampering effect on the communication between stakeholders. The excerpt for that matter demonstrates how the interpretation of the aftermath of the shooting held by Mr. Leuci, i.e. that of a historical pattern of unfair criticism deployed by professional police haters directly clashes with that of Mr. Barron: 'We are not ambulance chasers, we are the ambulance'. Moreover, the fact that the city councilman refers to his own interpretative framing of the shooting ('I have a litany that I can go down the line with you on the forty, fifty people that died at the hands of the police'), which is in line with the overall police critics' framing discussed in Part II, Chapter 1, also shows how the communication of Mr. Leuci, and the interpretations inherent in that communication, directly clash with the interpretations held by Mr. Barron. The city councilman does not show any conciliation after reading these remarks; his communication in fact becomes harsher in response to reading quotes from Mr. Leuci and other police defenders. The communication of police defenders hence has a direct inflammatory effect on the city councilman, who reverts to his own static perceptions, interpretations and positioning in order to refute the arguments.

#### DELORES JONES-BROWN

John Jay College professor Delores Jones-Brown — who, like Mr. Barron, has been labeled a 'police critic' in this research — is also critical of the communication of police defenders, although she expresses her views in milder terms than the city councilman. What is at first striking in the interview held with the professor and former prosecutor is the focus on the static positioning, i.e. the 'fixed role' taken by police defenders:

*Ms. Jones-Brown speaking about general processes that occur after police shootings*

**People had already decided what camp they were going to be in, based on the identity of the participants. And there is a lot of that.**

It is those folks who are so vested, that are those, you know, folks who in those **camps ‘my way is the only way’** [...] and **they can see the rigidity of the other person’s thinking, but can’t see the rigidity of their own.**

[...] The communication problem lies in **people’s paradigms about other people.**

*Ms. Jones-Brown’s reaction to my distinction between police critics and police defenders in my research*

I am not really comfortable with **the term police critics.** [...] **I think the police defender label is correct.** Because **there are folks that no matter what the police do,** almost no matter what the police do, **they are going to defend them. Why? Because they are the police.** [...] In this case [...] we have got innocent people who are put at risk [...] by that many bullets flying around in a residential neighborhood. For anyone to criticize that is a logical valid thing.

*Ms. Jones-Brown responding to the previously discussed quote from the Op-Ed article by Mr. Leuci: ‘Of course, this makes little difference to those like Al Sharpton who have made careers out of demonizing the police. Whenever something like this happens, the professional police haters will hold their rallies at 1 Police Plaza, people will come with signs comparing the department to the Ku Klux Klan. The signs are sometimes clever but always mean-spirited and reflecting a calculated rage; any thinking person knows that they are self-serving nonsense’*

[It comes from] **people who think that the police can do no wrong. And they think the police can do no wrong, because they have the perception of the victims that is very negative.**

*Ms. Jones-Brown responding to the previously discussed quote from the Op-Ed article by Mr. Murphy ‘Since no gun was found in the vehicle, it is clear that the police officers made a tragic mistake. They even violated department guidelines, which prohibit using deadly force against someone in a vehicle unless he is threatening an officer’s life by means other than the vehicle, such as firing a gun at the same time. But in the end, what they did was not criminal’*

**It comes from the mindset that we want to protect the police at all costs. And we want to give the police the benefit of the doubt. And most sort of mainstreamers, and I would say, most majority white people have that. [...] This person is still stuck in that deference that is part of his or her mindset.**

From an apparent stakeholder-observant perspective, Ms. Jones-Brown comments in the first few statements on the general processes of debate and the positioning of different stakeholders. But in the context of the entire interview, these statements mostly refer to the police defenders, as Ms. Jones-Brown’s remark on the distinction between police critics and police defenders in this research especially, but also the excerpts following that particular quote, makes clear. Only on one occasion does she — very subtly — refer to the rigid positioning of police critics, which is discussed further on in this analysis. Conversely, it is the group of police defenders that Ms. Jones-Brown speaks about mostly in relation to the quotes listed above. She maintains that this group reflexively (‘no matter what the police do’) and unknowingly (‘can’t see’) defend the police in a rigid manner (‘my way is the only way’, ‘we want to protect the police at all costs’). The roots for this reflexive defense can be found in the ingrained deference to the police held by mainstream white New Yorkers (‘because they



are the police', 'people who think that the police can do no wrong', 'This person is still stuck in that deference that is part of his or her mindset'), the racial prejudices held by this group ('based on the identity of the participants') and finally a 'perception of the victims that is very negative'.

The observations made by Ms. Jones-Brown in the quotes above concerning the police defenders' rigid positioning are in line with the analysis of this research, while the roots of this positioning, i.e. the perceptions and interpretations held by this group, specifically match the perception that 'it was a matter of seconds' and the interpretation that the shooting and its outcome fit within the historical and organic interaction process that entails danger and chaos, but in which the officer shows restraint and astute assessment of such situations, and in which the officer is rather a 'victim' than a 'perpetrator' of the danger inherent within this interaction. In other parts of the interview, Ms. Jones-Brown further details the perceptions and interpretations conveyed by the police critics, which are seen as strategic means of communication by the District Attorney's office:

*Ms. Jones-Brown responding to the previously discussed quote of Mr. Culleton: 'Everybody is fixated on the number of shots my client fired, but it only took 20 seconds. The thing was over before it began'*

**The fact that he is trying to play down the number of shots his client fired by saying that it took place in like what, 10 seconds ... he sort of plays down the notion that his clients' behavior is so out of line with the behavior of his colleagues.**

*Ms. Jones-Brown speaking on the use of the word 'tragedy' after the Sean Bell shooting*

The whole 'tragedy' thing is played out. It is a tragedy the first couple of times it happens. **When it gets beyond two times, it is no longer a tragedy, it is a problem.** It is a problem that needs to be addressed. **And so the use of the word 'tragic' in these incidents now has become patronizing. And that is from the perspective of a person who has a son, husband and a brother who could be a victim in one of these things.**

*Ms. Jones-Brown speaking on the police defenders' portrayal of Al Sharpton*

**People don't want to look at the issues, so they attack Al. 'Oh, we shouldn't listen to what he has to say, because he is being self-serving, he just wants the limelight, he is being a hatemonger, he is anti-police'.** So they use all these really interesting labels [and] now he is spending his time trying to beat back those labels, and he has changed his tactics.

*Ms. Jones-Brown responding to my analysis of Mr. Palladino's remark: 'My position is today what it was from the beginning'*

It says something about who they are as human beings. **Those would be the same people who are trying to criticize the '50 pigs, 50 bullets' sign.** In my opinion, they aren't in any way in any position to criticize those folks, because of the **rigid way that they are behaving. Sometimes the rigidity is the show for the outside world. [...]** You can't be rigid, and then complain about somebody else being rigid. You are just as wrong as that person with the sign.

The excerpts above first show that Ms. Jones-Brown's analysis of some of the characteristics of the police defenders' communication is in line with the analysis of this research. Second, the excerpts

show that these characteristics are not valued positively by the John Jay College professor. These two notions will be explained by looking at each of the excerpts above.

The first quote, for example, shows how Ms. Jones-Brown perceives the focus on ‘it’s a matter of seconds’ as a strategy to mitigate (‘play down’) the number of shots fired as well as the abnormal behavior of his client, which is also one of the conclusions of Part II, Chapter 3. She for that matter implies that the lawyer purposely conveys a skewed presentation of the reality of the event.

In the second excerpt, Ms. Jones-Brown’s perception that the use of the word ‘tragedy’ is ‘patronizing’ clearly shows how the perception held and conveyed by police defenders on the shooting, i.e. ‘a tragic set of events’, clashes with the police critics’ interpretative framing of the shooting as part of a historical and organic pattern of police shootings, police misconduct, racial profiling and racial injustice in the broadest sense of the word (‘When it gets beyond two times, it is no longer a tragedy, it is a problem’). Ms. Jones-Brown clearly states what her vantage point is: ‘That ... from the perspective of a person who has a son, husband and a brother who could be a victim in one of these things’. By saying this, she gives insight into her own positioning within the group of police critics, and moreover, shows how the focus on the word tragedy can come across as patronizing to her, but also to others who have a similar perspective. In general, the dual-layered communication of the police defenders — comprising the use of the word ‘tragedy’ as well as other elements — thus has a negative effect on the perceptions held by Ms. Jones-Brown on police defenders.

In the third quote, Ms. Jones-Brown — similar to this research — maintains that police defenders use ‘circumstantial *ad hominem* argumentation’ (‘he is being self-serving, he just wants the limelight, he is being a hater, he is anti-police’), which is a powerful strategy to ignore criticism (‘we shouldn’t listen to what he has to say’) that challenges the police defenders’ rigid conception of the shooting and its aftermath. Again, this strategy is not valued positively by the John Jay College professor (‘People don’t want to look at the issues, so they attack AI’).

Finally, the last excerpt shows how Ms. Jones-Brown does not accept the criticism of police defenders concerning the methods of police critics, because the group of police defenders uses the same methods they accuse police critics of using (‘You can’t be rigid, and then complain about somebody else being rigid’). This is the only excerpt in the interview where Ms. Jones-Brown also — subtly — denounces the methods of some police critics (‘You are just as wrong as that person with the sign’). Also noticeable is how Ms. Jones-Brown perceives the communication as concocted, rather than as spontaneous (‘Sometimes the rigidity is the show for the outside world’), which is in line with the analysis of this research that some of the discourse can be labeled as strategic communication, and with the interview held with Mr. Liddy and Mr. Mancini.

In Ms. Jones-Brown’s view the methods used by police defenders are particularly intrusive, because of the position of the unions in New York. As she points out several times throughout the interview: ‘No police union [...] in the world is as powerful as the police unions in New York’.

During the interview, Ms. Jones-Brown also points out what she believes the effects of the communication of police defenders are, while making some suggestions on how this communication can change:

*Ms. Jones-Brown speaking on the communication of Mr. Palladino*

**[They are] pro their clients and unreasonably so.** I have another quote by Palladino. It was close to the indictment time. And he just says that his client did nothing wrong. At the very least, people say that this is a tragedy ... **You could at least say he made a mistake.** For you to say that he did nothing **wrong is really [... an] ugly thing to say.**

**[...] When I read that Palladino said that his client did nothing wrong, I was personally offended,** as a person who has to be in New York and live in this world. [...] **To say that that is not wrong, that insults my intelligence; two it says that you don't care about it; and three it is about the type of people who were in the car;** because I do believe that he would never have said that, if there were three white kids in that car.

**[...] If you know you have done something wrong, whether you think it is criminally wrong, or you don't think it is criminally wrong, but it is wrong because it produced an unacceptable result. You can at least say you are sorry.** That doesn't happen a lot anymore.

The excerpts above show that Ms. Jones-Brown would have rather seen a less rigid response from the unions ('You could at least say he made a mistake'), and as a minimum that they had included an apology ('You can at least say you are sorry'). Hence, the remark made by Mr. Palladino is denounced by Ms. Jones-Brown ('ugly thing to say'). More specifically, the remark results in (personal) inflammation ('I was personally offended', 'that insults my intelligence'), raises perceptions of indifference and racism ('it says that you don't care about it', 'it is about the type of people who were in the car') and a perception of reflexively rigid support for the union leaders ('[They are] pro their clients and unreasonably so').

#### CHRIS DUNN

New York Civil Liberties Union Director Chris Dunn has also been labeled as a 'police critic' in this research, although he is much less involved than other critics in the public debate that ensued after the Sean Bell shooting. Mr. Dunn does not speak out extensively about the police defenders. Although his observations appear to be more dispassionate than those of Mr. Barron and Ms. Jones-Brown, there is a certain degree of overlap concerning the perceptions held on the police defenders' communication, especially concerning the role taken by the unions during the debate that ensued after the shooting:

*Mr. Dunn characterizing the communication of the DEA and PBA*

It is not something I have studied. They are **very aggressive in defending their members as you would expect.** I mean, **I can't think of an instance where they have not come out and defended the officers involved. That is just what they do.** And I think that people recognize that they are the union and therefore **no one thinks it is wrong** that they are doing anything

other than defending their members. You know, **they get their point across**, and they get a fair amount of attention, and they get a pretty good play, certainly in the *Times*.

From a stakeholder-observant perspective, Mr. Dunn again focuses on the fixed, predictable role ('I can't think of an instance') taken by the two police unions in the debate following the Sean Bell shooting. Unlike Mr. Barron and Ms. Jones-Brown, however, he emphasizes that the role taken by the unions is commonly accepted ('no one thinks it is wrong'). Moreover, the NYCLU director also sees the role of the unions as a given fact ('That is just what they do') and is hence less critical of this role than Mr. Barron and Ms. Jones-Brown. Mr. Dunn for that matter also points out — from a stakeholder-observant perspective — the benefits for the police defenders of this role: 'They get their point across'. His characterization of the role taken by the unions, however, remains in line with how the other two police critics view this, i.e. as 'very aggressive in defending their members'.

#### CHARLES TESTAGROSSA

As pointed out in the previous section, and also in line with how Mr. Barron views the role of police defenders, Queens Assistant District Attorney Charles Testagrossa sees the role of police defenders interdependent to that of the NYPD. The following excerpts give further insight into how the prosecutor perceives this role:

##### *Mr. Testagrossa giving details on the role of the DEA and PBA*

The first reaction by the police hierarchy is to say that the police officers were justified and the victims were at fault and that happened here. Certainly if it didn't happen officially it happened through a number of other outlets that would come to the defense of the police. **Their unions, their union delegates, the presidents of their union will get that point of view out in the newspaper as quickly as possible.**

[...] **I mean the unions act independently but certainly their role is to defend police officers.** They can say things, like the union president **can say things** that an official member of the Police Department **or the police commissioner can't say but in a way they are both trying to get out the same message, it was not the police that were at fault it was the victims who were at fault. Their own behavior caused what happened to them.** Certainly in the Sean Bell case the police union officials **took a real lead in spin in getting out an account of what happened;** two friendly newspaper columnists who then floated justifications as facts.

Similar to other interviewees, Mr. Testagrossa emphasizes the fixed, predictable role taken by police unions in the public debate following the Sean Bell shooting and in other incidents. This becomes clear in the generalist way the prosecutor speaks of the actions taken by the two unions. This role is closely entwined with that of the NYPD, in Mr. Testagrossa's view. While the prosecutor maintains that the unions 'act independently', he also points out how the unions and the NYPD 'are both trying to get out the same message', the former being able to speak out more than the latter. The unions thus function as the voice of the NYPD in police shooting cases. The prosecutor evaluates the police defenders' role as negative, as the police defenders convey a rigidly defined reality of the shooting, by

presenting their ‘account of what happened’, i.e. ‘the victims were at fault’ as the truth. Moreover, the prosecutor denounces the communication strategies used by police defenders, by saying these are ‘spin’. Mr. Testagrossa further expounds on the communication strategies of the unions in other parts of the interview:

*Mr. Testagrossa commenting on the communication of the DEA and PBA in the public debate that ensued after the Sean Bell shooting*

In this case I thought that Rev. Sharpton was more **conservative in his remarks than the police union officials were**, which is kind of an odd situation because most people usually look at it the other way around.

[...] The president of the Detectives’ Endowment Association, Michael Palladino **was basically making statements on the steps of the courthouse** from day one about how the police were **justified** and **making other statements that were really not particularly temperate**.

*Mr. Testagrossa describing the interaction between the unions and pro-police media*

I just think it is funny because [...] I have the newspaper articles from the *Times* and I have the statements of **Barron, Palladino and ... you can just look at the newspaper columnists, what they were writing in the Daily News and in the New York Post, then you can see that they are basically acting as spokesmen for the Detectives’ Endowment Association**, that’s the way it appeared to me. **All so one-sided**.

*Mr. Testagrossa responding to my analysis of the label ‘A matter of seconds’*

When they’re explaining what happened in an incident like this they are **always trying to compress the time**. I mean they take 30 seconds and make it seem like it was 2 seconds and there is absolutely no opportunity for thought and everybody goes on automatic pilot. Once you’re in a situation, **don’t dare to be critical, because you have never been in this situation, so you can’t understand that**.

*Mr. Testagrossa characterizing the response of police defenders to criticism*

**You put everybody together and that way you don’t have to actually address any critics’ individual criticism. Basically you just paint them all with a broad brush; the raw radicals they’re never happy and they’ll always take every opportunity they can to criticize the Police Department and they will always fight the Police Department so therefore we don’t even have to address their criticisms.**

From a stakeholder-observant perspective, Mr. Testagrossa denounces the methods used by the police defenders, in a way that is similar to that of other interviewees. These methods include the trying of the case outside of the courtroom and the display of immoderate rhetoric (‘making other statements that were really not particularly temperate’). The prosecutor again maintains that the reality presented by the unions through the media is rigidly delimited (‘all so one-sided’), involving the short time frame in which the police officers have to respond to dangerous situations (‘always trying to compress the time’). In addition, the prosecutor also denounces the rigidly defined reality held by the unions on those critical of the police, which he sees as a strategy to deflect criticism. This, too, is in line with the

observations made throughout this research. More specifically, by ‘painting them all with a broad brush’, while denouncing the methods used by police critics and questioning the knowledge of the general public (‘you have never been in this situation, so you can’t understand’), the unions circumvent the issues raised by individual members of this group (‘so therefore we don’t even have to address their criticisms’). This is in line with the circumstantial *ad hominem* argumentation discussed in this research and also pointed out by Ms. Jones-Brown as being a powerful strategy to ignore criticism that challenges the police defenders’ rigid conception of the shooting and its aftermath.

#### MICHAEL WILSON

Although Mr. Wilson does not detail the communication of police defenders extensively, and moreover, mainly does so indirectly in his characterization of police critics, the following quotes are sufficient to see the profound resemblance to statements made by other interviewees, particularly on the role taken by the unions in the debate ensuing from the Sean Bell shooting:

*Discussion of one of the previously discussed quotes of Mr. Palladino: ‘We have been portrayed as insensitive murderers and I can tell you we’re not’*

Michelle Knight:

Is that a quote you expect from him?

Mr. Wilson:

Sure, I mean, **that is his job**. The police commissioner can’t say that, I don’t think so, that’s why the police commissioner says milder things in this situation. Palladino is the union president and he is the guy ... you know ... **he stands up for his guys. And when he goes, the guy who replaces him will do the same thing.**

*Mr. Wilson speaking about how police defenders respond to statements made by Mr. Sharpton*

[Mr. Sharpton] also has a lot of detractors, people who **don’t think as highly of him**, they’re just going **to say oh, that is just Al Sharpton doing what he always does, you know**. But he is certainly consistent.

*Mr. Wilson speaking about how the police critics could change their communication efforts*

As far as the community leaders, what they can do differently, I mean again, **their critics would say you should wait till the facts are known before you say inflammatory things on television and get people all excited and upset**. [Yet], asking these guys to not say something after the Sean Bell shooting ... to wait and see what his blood alcohol level was, or something like that, **that is just not something they would ever do**.

What first catches the eye in the statements above is that Mr. Wilson, similar to other interviewees, maintains that Mr. Palladino, like other stakeholders in public debate following the Sean Bell shooting, takes a predictable role that is no different from his usual stance, from expected future behavior, and from future union leaders, who will take the same role (‘that is his job ... And when he

goes, the guy who replaces him will do the same thing'). Similar to Mr. Dunn, the *New York Times* reporter accepts this role as 'his job'.

In this role, Mr. Palladino 'stands up' for his members. The methods deployed by the union leader to secure the defense of his members include the use of harsh and passionate rhetoric, while condemning the 'inflammatory' rhetoric of police critics, by focusing on the necessity to wait for the 'facts' and by questioning the reflexive stance of critics such as Al Sharpton ('that is just Al Sharpton doing what he always does, you know'). These observations are in line with the analysis of this research, which focused on the self-centered, rigid 'us-versus-them' positioning held by police defenders, the rigidly delimited desired outcome of debate captured in the label 'Fairness for all officers', and the 'circumstantial *ad hominem* argumentation' communication strategies deployed by this stakeholder group. In addition, the remarks are in line with those made by other interviewees, especially Ms. Jones-Brown.

The statements also give insight into the perceived effect of the communication uttered by police defenders. More specifically, Mr. Wilson believes that while Mr. Palladino 'stands up for his guys', he will never be able to persuade his adversaries to tone down their 'inflammatory' rhetoric, or the rapidity by which they speak out after a controversial shooting. In that specific sense, the communication articulated by police defenders proves to be ineffective. From a broader perspective, the *New York Times* reporter maintains that there is a reciprocity between the rigid positioning held by both police critics and police defenders ('that is something they would never do').

#### PAUL BROWNE

New York City Police Department's Deputy Commissioner of Public Information Paul Browne does not expound much on the role of the police defenders in the debate. However, at certain instances during the interview, the spokesman does convey in subtle terms his perception of the communications articulated by this stakeholder group. There is for that matter a profound schism between how the spokesman perceives the communication of the unions after the Sean Bell shooting, at a time when the unions and the NYPD are holding a similar reality concerning what happened and their positioning was basically aligned, and after incidents where this was not the case, such as after the fatal shooting of the 19-year-old, unarmed, Timothy Stansbury, when the Police Department was heavily criticized by the unions for denouncing the conduct of the officer involved and saying that the NYPD is at fault:

*Mr. Browne speaking about the role of the unions in the aftermath of the Sean Bell shooting*

The unions — the DEA principally in this case — **they have their own responsibilities.** Again [...] **their role is mainly to represent their membership.** They are also legally providing counsel to the officers who are being accused of wrongdoing.

But I thought that Palladino was very good [...] **particularly in pushing back on the extreme critics**. I think Palladino **came across as reasonable**. To most people observing this he came across **as a reasonable voice**. And I think he took on some of the more **extreme critics in reminding people that the members of his union and the people being accused here have rights too**, I think, which is **part of his job**. I thought he did a good job in that regard and I find [that], even **when he is in dispute with the Police Department, which will happen because it is a union, he has been an honest adversary**.

*Mr. Browne speaking on the police commissioner's response to the Stansbury case*

In the Stansbury case you had two police officers, one who witnessed the whole thing and then the shooter. The one who witnessed the whole thing was deemed credible. We had basically the whole story immediately **and the police commissioner said, from what we know now, it appears that it was not a justified shooting**. That got **the police unions calling for his resignation**. But what it also did, it conveyed to the community that when it appears the police was wrong the police commissioner was willing to say so.

[...] These things that I framed [on the wall] are all ... most of them are in regard to the Stansbury shooting and the importance of the goodwill created: The police commissioner speaking quickly and openly about what happened, the goodwill that was created on the street for the cops. The PBA **didn't understand this or appreciate it** but the next day those same cops that went back on patrol **had an easy time** because the police commissioner **said we were wrong**. **They didn't get that**, that that helped them you know.

[...] **The police commissioner was criticized tremendously by the police union**, because the next morning, as he did with the Bell case, he had an extensive briefing; the one thing the commissioner believes in, is **that you try to put out as much information as you can, as quickly as you can in these cases, and he did that in Bell and he did that in Stansbury**.

Michelle Knight:

I spoke to the PBA as well and they brought up this case.

Mr. Browne:

Stansbury?

Michelle Knight:

Yes.

Mr. Browne:

And they are still critical?

Michelle Knight:

Yes, they are still critical.

Mr. Browne:

Yeah, now I think that was ... **they don't get it in that regard, they don't get it**. The fact that community relations ... You had a shooting like Stansbury in 1970 where there were riots. So I think the overall relationships have improved dramatically. Those people [in the unions] are too young to remember but there is still political interest that [doesn't] want that



accommodation, they don't want that success. **They want to generate the old racial problems.**

In the first excerpt, in which Mr. Browne is clearly in favor of the union's approach, he mainly focuses on the fixed, yet accepted role of the police unions ('they have their own responsibilities ... their role is mainly to represent their membership'). In other words, Mr. Browne maintains — like Mr. Wilson and Mr. Dunn — that they are simply doing their job.

Part of their role in the aftermath of the Sean Bell shooting included 'pushing back some of the extreme critics'. In other words, Mr. Browne maintains that Mr. Palladino countered the skewed reality and the rigidly delimited desired outcome of debate conveyed by harsh police critics, a role which the Police Department cannot take, as was also pointed out by Mr. Testagrossa and by Mr. Palladino himself. In other words, Mr. Palladino was able to restore the equilibrium that was affected by the communication of harsher police critics.

Conversely, the second excerpt, in which Mr. Browne is less positive about the role of the unions, reveals some of the more negative perceptions held by the Deputy Commissioner of Public Information. Noticeable for that matter is how Mr. Browne subtly says that the unions can — at times — defend their members too zealously, which has a potentially negative effect on the communication processes of the informal debate that takes place between the police and the community in street encounters, and moreover, accommodates those critics who are not interested in problem-solving but 'want to generate the old racial problems'. Mr. Browne for that matter believes that the unions hold a rigidly defined reality concerning the effects of apologetic communication: If the police commissioner would not have criticized the officer involved the day after the Stansbury shooting, like the unions wanted, the cops would not have 'had an easy time' the next day.

#### GARY LEMITE

Although New York Police Detective Gary Lemite is a 'police defender' himself, he still observes the role of the unions from a partly stakeholder-observant perspective:

*Detective Lemite speaking about the reaction of police unions to the statements made by Mayor Bloomberg at the beginning of the trial*

Well, of course, I mean, they **have their agenda, and they have to represent the officers involved, and they are not going to like anything that goes against them. That is what they are paid to do.**

*Detective Lemite responding to the previously discussed quote of Mr. Palladino: 'This detective has been characterized as a cowboy, and that's not true and it is unfair. [...] This detective is an impeccable officer, has an unblemished record'*

**That is what he is paid to do. If he is talking about me, that's what I want ... I want that to get out. [...]** Palladino is the president of the detectives union. And **his job is to represent them, to make sure that they get the best representation. His agenda is to make the detectives look as good as possible, that's what he is paid to do.**

Like other stakeholders, Detective Lemite argues that the union leaders' role is fixed and commonly accepted. He does so in several instances in the excerpt above ('they have to represent the officers involved', 'that is what they are paid to do', 'his job is to represent them, to make sure that they get the best representation'). This fixed, predictable role not only taints the perceptions and interpretations uttered by the union leaders, as it results from an 'agenda' aimed 'to make the detectives look as good as possible', it also taints the positioning of the union leaders, as 'they are not going to like anything that goes against them'. This fixed role thus results in a rigid overall positioning.

Although Detective Lemite understands and appreciates the fixed role of the unions from a self/police-centered perspective ('If he is talking about me, that's what I want ... I want that to get out'), he also conveys how some detectives — also from a self/police-centered perspective — did not appreciate the conduct of the DEA in the aftermath of the shooting:

*Detective Lemite commenting on the communication of the DEA after the Sean Bell shooting*

Well, talking to people, especially detectives, some of them really did not like how their money was spent. **Knowing that millions of dollars went into the defense of these officers was very upsetting.** That is all they do. [...] **So, there were mixed feelings that they were represented the way they were.** [...] **Probably because it didn't appear to look good, you know, maybe it looked excessive; maybe it looked like it was overkill. Maybe it looked like it was being drawn out a little bit too much. Played in the media a little bit too much.**

The excerpt first shows how some detectives — from a self-centered perspective — did not appreciate the conduct of the DEA in the aftermath of the shooting ('Knowing that millions of dollars went into the defense of these officers was very upsetting'). However, the communication of the union itself is also subtly denounced from a stakeholder-observant perspective, as it is considered as harsh, and perhaps 'played in the media a little too much'. It is unclear if the latter perceptions are held by the detectives to whom Detective Lemite refers in the excerpt above, or subconsciously by Detective Lemite himself ('perhaps'). Either way, the excerpt above shows that although the role of the union might be fixed and is accepted by many people, it still results in harsh and rigid communication.

## CONCLUSION

This section has demonstrated that — although judgment of characteristics may vary — most interviewees who do not fall under the label 'police defenders' characterize the communication of police defenders in a similar way. While the interviewed police critics are the most critical of the role taken by police defenders — Mr. Barron being the most fervent critic — other stakeholder groups, including the New York Police Department, also disapprove of certain communication aspects, although the latter also lauded other facets. Conversely, some of the other interviewees, such as Mr. Dunn, conveyed their perception of the police defenders in a milder and more dispassionate fashion.

The discussion involves almost solely the two unions, the DEA and the PBA; only Mr. Barron and Ms. Jones-Brown focus on broader groups.

The interviewees perceive the role taken by the unions in the aftermath of the Sean Bell shooting to be ‘fixed’, ‘reflexive’ and ‘predictable’ in their aggressive and rigid defense of the police. The more dispassionate interviewees also point out that this role is commonly accepted and a given fact — as the role is job-related. While the NYPD focuses on the necessity of this role to push back some of the harsher critics, Mr. Barron, Ms. Jones-Brown and Mr. Testagrossa denounce the rigidity of this specific role taken by the unions.

The interviewees distinguish different roots for the unions’ reflexive defense, ranging from the ingrained deference to the police held by mainstream white New Yorkers, the overprotection of police officers, and the ignorance, denial, and the racial prejudices of this group, including negative perceptions of the victims. From a narrower job-related perspective, the role taken by the unions is the product of an ‘agenda’ aimed at making the detectives look as good as possible.

Some interviewees also point out how the police defenders are interdependent with the NYPD, for whom they act as a voice, while also working closely together with (pro-police) media. The relationship is perceived by Mr. Barron as too fraternal.

Interviewees argue that the role taken by police defenders results in predictable, reflexive messages that involve a rigidly delimited reality concerning both the shooting and the aftermath of the shooting, especially in regard to the role of police critics. In addition, the role taken by police defenders results in a rigidly delimited desired outcome of debate, by which the unions will denounce everything that is not in line with their objectives. This rigidly defined reality and rigid desired outcome of debate are viewed as negative by several interviewees, who maintain that the police defenders present a skewed reality as the truth, and moreover, defend their members unreasonably. The rigid perceptions and interpretations conveyed by police defenders for that matter are seen as strategic means of communication aimed at deflecting criticism. Only Mr. Browne is more positive about the reality presented by police defenders as it restored the equilibrium that was disturbed by harsh police critics.

The strategies deployed by police defenders are heavily criticized by interviewees. This criticism ranges from general characterizations such as ‘spin’, the trying of the case outside of the courtroom and the display of immoderate, harsh and passionate rhetoric, to criticism in regard to specific characteristics, such as circumstantial *ad hominem* argumentation and the lumping together of criticism and critics, accusations concerning other stakeholders’ rigidity, the closely linked deliberate disregard of criticism, the playing down of culpability, and the ‘patronizing’ use of the word ‘tragedy’. Most of the interviewees denounce these means; only Mr. Browne is positive about the means used by police defenders after the Sean Bell shooting in order to restore the equilibrium.

The analysis of this section has also shown how the specific nature of the police defenders' communication can result in stakeholders' direct inflammation, the sustainment of negative perceptions of police defenders (rigidity, reflexivity, indifference and racism), the disapproval and the premeditated disregard of the reality and desired outcome of debate held by police defenders, and a direct obstruction of the communication processes. Moreover, police critics fall back to their own perceptions, interpretations and positioning, which results in predictable communication, and a stalemate in the process of debate. From a different vantage point, the rigid positioning held by police defenders can have a detrimental effect on police–community relations, while providing ammunition for harsh critics.

The interviewees also point out that the police defenders' communication will not lead to a decrease in inflammatory rhetoric and immediate criticism after a shooting. Hence the communication of police defenders should be less rigid, and more apologetic.

## 7.4 Interviewees' appraisals of political stakeholders

The interviewed stakeholders also talk about their perceptions of the messages conveyed by Mayor Bloomberg throughout the aftermath of the shooting. While most interviewees do not focus specifically on 'a fixed, predictable positioning', like they did in their characterization of the communication of other stakeholders, they rather expound on the specific performance of the mayor in the media in the process that ensued after Sean Bell was shot. What is striking is that both police critics and police defenders are critical of the mayor's performance, yet for profoundly divergent reasons.

As their perceptions are quite densely packed in the available interview fragments and, moreover, the excerpts vary in nature, consequently the chosen analytical structure may vary per interviewee.

Before looking at their perceptions, though, it is first interesting to see how the initial responses were to the mayor's performance, as they were captured in the *New York Times* on multiple occasions. The positive perceptions of the mayor conveyed by police critics just after the shooting in the *New York Times* differ considerably from the responses conveyed during the interviews held with selected stakeholders. A few examples of the *New York Times* reporting:

### *Just after the shooting*

A *New York Times* excerpt quoting State Senator Malcolm Smith:

State Senator Malcolm A. Smith, a Democrat from Queens, said he spoke with Mr. Bloomberg by phone about the shooting at least four times on Saturday. "He was **very disturbed by the incident and very concerned about the family**," Mr. Smith said. "He indicated that he would make sure there would be a clear, impartial investigation that would bring out all the facts, and wherever the chips may fall, they fall."<sup>14</sup>

The Rev. Calvin O. Butts (the pastor of the Abyssinian Baptist Church in Harlem and one of the city's most prominent black clerics):

"Michael Bloomberg was **and is a breath of fresh air** since Giuliani."<sup>15</sup>

Comptroller William C. Thompson Jr. (a top elected black official):

**"Just the simple fact of meeting, or discussion, or expressing concern and outrage on the part of this administration, was different."**<sup>16</sup>

A *New York Times* excerpt quoting David N. Dinkins, New York's first black mayor, in office from 1990 to 1993:

[He] said he received a message from Mr. Bloomberg yesterday about the Bell case. **"The difference in the behavior and attitudes of this police commissioner, this mayor, contrasted with Giuliani, is night and day."**<sup>17</sup>

United States Representative Gregory W. Meeks, a Democrat from Queens (who also received a personal phone call from the mayor):

“This mayor is **more open, more inclusive, more honest and less secretive** — as opposed to the former mayor, who basically shut everyone out and refused to meet most of the time and was very combative,” Mr. Meeks said.<sup>18</sup>

The conveyed appraisals all are positive of the communication of Mayor Bloomberg. The key notion brought up by the community leaders in their appraisal is ‘good communication’. To them, such communication entails communication strategies such as proactive discussions, pre-emptive meetings, timely outreach, but also rhetoric strategies such as acknowledgement of the outrage, display of respect, and expression of emotions. These strategies are part of the coalition-oriented communication deployed by the mayor, as described in Part II, Chapter 4. The statements above demonstrate what such coalition-oriented communication can do to the perception of other stakeholders: The mayor is ‘more open, more inclusive, more honest and less secretive’ than his predecessor, a difference of ‘night and day’. The communication thus had an immediate positive effect on the quoted stakeholders, and ultimately positively influenced the process of debate: Communication by itself, however, is not the panacea to all problems, as pointed out by police critics in other excerpts:

Rapper Papoose compared Bloomberg to Giuliani in his rap on the shooting:

“**He got some better manners**, but let’s see if we get some **better policy**.”<sup>19</sup>

Al Sharpton on Mayor Bloomberg:

“**We prefer talking than not talking**, but the object is not a conversation, the object is fairness and justice,” Mr. Sharpton said as he left City Hall. “Because we’re not just interested in being treated politely, we’re interested in being treated fairly and rightly. And that will happen when police are held as accountable as anyone.”<sup>20</sup>

Communication and conduct are thus correlated (‘manners’, ‘policy’). However, communication certainly has a positive effect on the perceptions held by stakeholders, and on the process of debate (‘We prefer talking than not talking’). The perception towards the mayor for that matter does slightly change throughout the aftermath of the shooting. As time elapsed, voices of criticism became more pronounced among the preponderant volume of positive statements made by community leaders:

### ***During the Martin Luther King Day memorial***

A *New York Times* excerpt on one of the memorial events, at which Mayor Bloomberg was a keynote speaker:

Mr. Bloomberg, though introduced with warm remarks by Mr. Sharpton, faced a chilly reception from some members of the audience, who occasionally interrupted his remarks with loud comments or questions, particularly on the topic of Mr. Bell.<sup>21</sup>

### ***In between the indictments and the trial***

A *New York Times* excerpt:

Saying that Mr. Bloomberg had not pushed the Police Department hard enough to make changes and acknowledge mistakes, he [City Councilman Leroy Comrie] added: “He’s doing the **outreach**, he’s doing the healing, but it’s after the fact. **He’s patching the wound, but he’s not doing the deep surgery** required to keep the wound from reappearing.”<sup>22</sup>

### *After the verdict*

A *New York Times* excerpt:

“He’s got people who **are at least willing to communicate** with the black community,” said Salaam Ismail, 50, a youth coordinator, standing outside the Harlem headquarters of Mr. Sharpton’s National Action Network on Friday. “The mayor has done a lot of **pre-emptive** strikes with that kind of stuff, meeting with community leaders.”<sup>23</sup>

The quotes above show how the police critics’ perceptions of the mayor have changed slightly. An explanation for this is that they believe that the communication of the mayor was not sufficiently accompanied by actions, which in turn diminished their overall perceptions of the mayor (‘He’s patching the wound, but he’s not doing the deep surgery’). However, even after the non-guilty verdict, some community members were still positive about the mayor and his advisors, because they are ‘at least willing to communicate’.

The interviewed stakeholders are remarkably less positive about the communication and conduct of Mayor Bloomberg than the police critics quoted above. Their views, as well as the reasons for the discrepancy with the quotes above, will be discussed further below.

### CHARLES BARRON

The first interviewed police critic, City Councilman Charles Barron, is profoundly critical of the mayor’s communication in the public debate that took place after the Sean Bell shooting. Throughout the interview, Mr. Barron gives extensive details on what he dislikes about the messages conveyed by the mayor in the media:

#### *Mr. Barron characterizing Mayor Bloomberg’s response to the Sean Bell shooting*

Mr. Barron:

Mayor Bloomberg **is a cunning, smooth businessman** and he is smarter than Kelly **so he knows how to say something**.

Michelle Knight:

What do you think was smarter about his communication?

Mr. Barron:

By saying ‘it appears to be excessive use of force’. **That makes it appear that he is with us but in reality nothing was going to happen to those police officers in the courts or through the commissioner who has the power to discipline them.**

*Mr. Barron explaining the differences between Mayor Bloomberg and former Mayor Giuliani*

[He] went to the funeral; he always goes to the funeral. **That is the difference between Giuliani and Bloomberg.**

[...] **Bloomberg is worse, because what he does is pretense. I don't think his communication is genuine**, that he is on your side [when saying] 'this appears to be excessive'.

[...] **Empty verbiage** is not better than **racists' verbiage or overprotection verbiage** of Giuliani **if the end results are worse.**

*Mr. Barron responding to the previously discussed quote of Mayor Bloomberg: 'When I spoke with Nicole Paultre Bell on the steps of city hall this week, I told her that although we can't bring back the man she was in love with, we can and will make things better. He added, so we know that we constantly have to work on strong relationships with the community. And I think the diversity of the department is a vehicle that makes it easier for us to do our jobs'*

The courts have a lot of nerve letting these murderers go, **I mean, look at that crap. To me that is a bunch of crap. That is classic Bloomberg. We can't bring him back, we got to make things better ... all empty verbiage**, empty rhetoric, *empty, empty, empty, empty ...*

[...] We are not looking for those **irrelevant niceties**, we are looking for **justice**, because our people are dying, our people are getting beaten and brutalized and our people are getting stopped and frisked.

While Mr. Barron is critical in the statements above of the messages conveyed by Mayor Bloomberg, he does observe that Mayor Bloomberg is a better communicator than Police Commissioner Kelly ('so he knows how to say something'). However, Mr. Barron considers the communication itself to be both calculated and insincere ('I don't think his communication is genuine') as the mayor falsely gives the impression that he positions himself on the side of the community by using the word 'appears', while 'in reality nothing was going to happen to those police officers in the courts or through the commissioner who has the power to discipline them'. Thus, the impression of disingenuous communication is mainly the result from Mr. Barron's belief that the mayor does not accompany his words with actions, which makes his rhetoric 'empty verbiage'. In addition, it is the product of Mr. Barron's interpretation of the mayor's actions within a historical and organic framing of insincerity ('[He] is a cunning, smooth businessman', 'That is classic Bloomberg').

A few observations in regard to the relationship between action, communication and the statements above can be made. First of all, Mr. Barron argues that the communication itself practiced by the mayor is not action-oriented enough ('To me that is a bunch of crap. That is classic Bloomberg. We can't bring him back; we got to make things better'). Second, the perceived lack of action does not contribute to Mr. Barron's perception of the communication practiced by the mayor. Thus, it can be argued that while self-centered, nondescript communication can have a detrimental effect on the process of debate, a stakeholder-centered panoptic reality does not always contribute to the process of debate if stakeholders feel words are not accompanied by action. Mr. Barron for that matter contradicts himself: While he says that he is not looking for niceties, only for action that contributes



to his desired outcome of debate (i.e. ‘justice’), he also denounces communication that is not stakeholder-centered and sympathetic (‘nice’), such as that of the NYPD, as discussed in Section 7.2, and the communication of former Mayor Giuliani, which Mr. Barron labels ‘racist verbiage’ and ‘overprotection verbiage’.

It is important to note that these observations, from a different perspective, also show how the rigidly delimited outcome of debate held by the city councilman results in a rejection of all communication that does not support this outcome, as discussed throughout this research.

In a different part of the interview, Mr. Barron gives details on how he would have preferred the mayor to communicate after the Sean Bell shooting. It is interesting to compare what the mayor said just after the shooting with what Mr. Barron believes the mayor should have said:

*Mayor Bloomberg’s statement quoted in the New York Times*

“It sounds to me **like excessive force** was used,” the mayor said of the conduct of the officers, who fired 50 shots outside a Queens nightclub early Saturday, killing Sean Bell, 23, hours before he was to be wed, and injuring two others. **“I can tell you that it is to me unacceptable or inexplicable how you can have 50-odd shots fired.”**<sup>24</sup>

“I do not at this point believe that there was anything racially motivated here, but we’ll wait and see whatever **the facts** are,” Mr. Bloomberg said. “A lot of people feel that this on top of other incidents that have happened in the past is a pattern that is unacceptable. I find that pattern unacceptable as well,” Mr. Bloomberg continued, adding that he saw the shooting as an **isolated case**.<sup>25</sup>

*Mr. Barron’s suggestion*

He should have said **‘I am not tolerating any level of discourtesy, you can’t stop people in our neighborhoods and curse them out like you do every day, you can’t brutalize them unjustifiably and you certainly can’t use deadly force unjustifiably. I will not tolerate it under my administration and if any process doesn’t bring justice, I will then intervene. And this appears to be excessive.** That would have been stronger.

What is at first striking in the comparison between the two statements is that while Mr. Barron denounces the communication of Mayor Bloomberg, in fact there are quite some resemblances between his suggestion and the actual statement made by the mayor. Not only is the remark ‘this appears to be excessive’ in line with ‘it sounds to me like excessive force was used’, the remark ‘I will not tolerate’ is also in line with ‘I can tell you that it is to me unacceptable or inexplicable’.<sup>26</sup> However, while the mayor does not extensively pair his statement with measures, repercussions, or steps to be taken in relation to the shooting, and moreover, specifically makes the remark personal (‘to me’), the city councilman, conversely, does link ‘not tolerate’ to measures (‘if any process doesn’t bring justice, I will then intervene’), and moreover, to the political executive powers of the mayor (‘under my administration’). In other words, while the mayor uses the word ‘unacceptable’ in its most modest form (i.e. as ‘unsatisfactory’), Mr. Barron, conversely speaks more forcefully of ‘not tolerate’ and ‘unallowable’.

Mr. Barron's remarks for that matter are in line with this research's observation that after his initial statements the mayor focuses on what is acceptable to him in regard to open communication and constant collaboration, but does not speak out anymore about what is acceptable or allowable in regard to the conduct of the officers. More generally, his remarks are in line with the observation that the mayors speaks of a desired process of debate rather than a desired outcome of debate.

From a different vantage point, Mr. Barron asks the mayor in the remark above to abandon his stakeholder-centered perspective, and communicate a reality that is clearly not in line with that of the police defenders and the NYPD. Not only should the mayor accuse the Police Department of a policy that is actually endorsed by the city and interpret that particular policy — as well as the conduct of the officers — from a broader interpretative framing of continuous disrespect ('you can't stop people in our neighborhoods and curse them out like you do every day'), the mayor should also share Mr. Barron's rigid notion of justice in which not the process itself, but only a 'guilty' end verdict brings justice ('if *any* process doesn't bring justice, I will then intervene'). For that matter, the city councilman has a very rigid — and unrealistic — conception on how the mayor should, and can, behave.

While not directly conveyed by Mr. Barron, the interview above does lay bare some of the immediate effects of the communication of Mayor Bloomberg on the city councilman. More specifically, the mayor's communication results in (personal) inflammation, as well as doubt in regard to the mayor's sincerity, and overall rejection.

#### DELORES JONES-BROWN

The perceptions held by John Jay College Professor Delores Jones-Brown on the communication of Mayor Bloomberg throughout the aftermath of the Sean Bell shooting are to a certain extent in line with that of Mr. Barron, although she is less explicit in denouncing the mayor's communication than the city councilman is. This can be explained from the more coalition-oriented positioning held by Ms. Jones-Brown, which has been discussed throughout this chapter. The following quotes give further insight into her perceptions of the messages conveyed by Mayor Bloomberg after the shooting:

*Ms. Jones-Brown responding to the previously discussed quote of Mayor Bloomberg: 'When I spoke with Nicole Paultre Bell on the steps of city hall this week, I told her that although we can't bring back the man she was in love with, we can and will make things better. He added, so we know that we constantly have to work on strong relationships with the community. And I think the diversity of the department is a vehicle that makes it easier for us to do our jobs'*

**That is more of a sympathetic statement, but I see it as — and the word cop-out might be really a little too strong ... this incident involves a diverse set of officers, what was not as diverse were the victims in the case. And so this notion that diversity [...] automatically makes things better, I think is not good.** For not more to have been made of the fact that the one officer who was closest to being what we call in the United States white, shoots at these young men 30 times, when the next closest person only shoots 11 times, and the closest we

think of as black shot far fewer times, **is indicative of a lack of understanding of the racial dynamic of that incident.**

*Ms. Jones-Brown talking in general about communication from Mayor Bloomberg*

There was an initial sort of statement by the mayor that something was wrong, had been done wrong, given the number of shots that were fired. But then when the police union came back at the mayor for saying that, **he kind of backed down from his position.**

[...] **I think his communication is good, but sort of politically placed.** That it is really about saying the **politic thing.** [...] It is an attempt, to me ... **soothing, but sort of knowing what I know, it doesn't resonate well** [...] because, again, there is no body of research that diversity is the answer to these kinds of situations. [...] From the media accounts to the speeches that people give, no one ever really focuses on the fact that Detective Oliver shoots 30 times.

*Ms. Jones-Brown speaking about Mayor Bloomberg's characterization of the shooting as 'unacceptable'*

**It is unacceptable on sort of a human level,** but people want him to make that statement and ... *[she does not finish the sentence].*

The quotes above show how the character of Mayor Bloomberg's communication, and specifically the limited amount of discourse together with the flexible and transient defined outcome of debate discussed in Part II, Chapter 4, result in a perception held by Ms. Jones-Brown that the communication of Mayor Bloomberg is compassionate ('soothing', 'That is more of a sympathetic statement'), yet largely calculated ('I think his communication is good, but sort of politically placed', 'the politic thing'), non-action oriented ('it is unacceptable on sort of a human level') and at times rather meek ('he kind of backed down from his position', 'the word cop-out might be really a little too strong'). What is salient in the first statement is that, while the mayor never said in the *New York Times* that his initial statement was unjustified, it did come across to Ms. Jones-Brown that way. The effect of the mayor's communication thus involves amplification of the flexible character of the mayor's statements.

Ms. Jones characterizes the communication of Mayor Bloomberg as meek, because the mayor fails to show understanding for 'the racial dynamic of that incident', i.e. the reality held by Ms. Jones-Brown on the shooting, while the mayor's idea that 'diversity ... automatically makes things better', is not in line with the reality held by Ms. Jones-Brown on police conduct in general. Her observation shows — on the one hand — how she perceives Mayor Bloomberg's positioning as rigid, as it does not include her reality concerning the shooting and on police conduct in general. On the other hand, and from a different vantage point, it also shows how Ms. Jones-Brown's reality is rigid, as it does not show understanding for the mayor's conception of the racial elements of the shooting. Either way, Mayor Bloomberg's communication results at best in mixed perceptions with a negative undercurrent ('it doesn't resonate well').

## CHRIS DUNN

New York Civil Liberties Director Chris Dunn also shares his perceptions of Mayor Bloomberg's communication, although much less extensively than Mr. Barron and Ms. Jones-Brown. Still, it is worth taking a closer look at Mr. Dunn's observations, as they are to a certain extent in line with those discussed above.

### *Mr. Dunn characterizing Mayor Bloomberg's response to the Sean Bell shooting*

Mr. Dunn:

**Bloomberg is much less involved. Bell was one of the rare incidences where Bloomberg got involved with a police issue. He doesn't want to talk about the police very much. He leaves that to Kelly.**

Michelle Knight:

[But] he said, 'It sounds to me like excessive force was used. And I can tell you that to me it is unacceptable or inexplicable how you can have 50-odd shots fired.' [Isn't that] a pretty solid stance?

Mr. Dunn:

Yes but he also — I think — **backed away from that subsequently.**

First, the excerpt above gives insight into the broader context in which the Sean Bell debate takes place: While the mayor did speak out in the Bell shooting, he usually leaves the communication regarding police conduct to Police Commissioner Kelly.

This broader interpretation of the positioning of Mayor Bloomberg in police–community issues to a degree influences Mr. Dunn's perception of the mayor's communication in the aftermath of the Sean Bell shooting, as the second part of the excerpt shows. More specifically, the limited amount of communication conveyed by Mayor Bloomberg both after the Sean Bell shooting and after shootings in general, together with the flexible and transient defined outcome of debate and focus of communication, as discussed in Part II, Chapter 4, result in a perception held by Mr. Dunn that the communication of Mayor Bloomberg is powerless. While the mayor never said in the *New York Times* that his initial statement was unjustified, it did come across to Mr. Dunn that way ('backed away from that subsequently'), which is in line with Ms. Jones-Brown's perception concerning the statements made by Mayor Bloomberg.

## PAUL BROWNE

New York City Police Department's Deputy Commissioner of Public Information Paul Browne only briefly speaks about the communication of the mayor in the aftermath of the Sean Bell shooting. His positive observations sharply contrast the criticism conveyed by the three interviewed police critics discussed above:

*Mr. Browne characterizing Mayor Bloomberg's response to the Sean Bell shooting*

I think the mayor, and **I think this is probably universally held**, [he did] **an excellent job in communicating empathy [...] without condemning the police. I think he has a responsibility to the entire city** but he was able to convey that very well.

In this excerpt, Mr. Browne reinforces several characteristics of the mayor's communication that have also been addressed in this research, i.e. the stakeholder-centered reality conveyed by the mayor ('communicating empathy [...] without condemning the police') and the position taken by the mayor in the debate ('he has a responsibility to the entire city'). In the eyes of Mr. Browne, this stakeholder-centered approach has a positive outcome ('excellent job') on the perceptions held by most other stakeholders ('probably universally held') and thus also has a positive effect on the overall process of debate.

This divergent evaluation can be explained partly by the different positioning of the Deputy Commissioner from police critics, as the former is not only (indirectly) employed by the mayor, but also holds a different desired outcome of debate than police critics, which is far more 'process-oriented' than it is 'action-oriented'. However, Mr. Browne is also much more approving of the communication of Mayor Bloomberg than police defenders are, while Mr. Browne's positioning is more in line with that of this group. The police defenders' perceptions will be further discussed below.

MICHAEL PALLADINO

President of the New York City's Detectives' Endowment Association Michael Palladino shares the critical stance held by police critics, although he disapproves of Mayor Bloomberg's communication for different reasons:

*Mr. Palladino describing how he perceived Mayor Bloomberg's initial statement after the shooting*

I was sitting right here, watching it on TV, and in the end I was disappointed that he [Mayor Bloomberg] **caved in to the political pressure** when he said '**inexplicable**'. But **he too ate his words**, when that case went to trial because a court of law [...] heard the full amount of evidence and said again that they [were justified], given the circumstances, and how the circumstances unfolded before the detectives' eyes.

*Mr. Palladino characterizing Mayor Bloomberg's revised positioning*

**I think the mayor knew that he crossed the line when he said 'inexplicable'**. He crossed the line and he realized that he **may have alienated his entire police force** and that wasn't a good thing to do. I think he realized that and the rest of the case or the rest of the way, the next 18 months, until that case came to its conclusion, I think he took **the proper position, which was: Let's have a calming effect in the city, let's have the criminal justice system do their investigation and let's see where this case takes us.**

In the statements above, Mr. Palladino disapproves of the initial communication enunciated by Mayor Bloomberg, arguing that the mayor's characterization of the shooting as 'inexplicable' at a press conference just after the shooting not only 'disappointed' the union leader, but also 'crossed the line', and may have 'alienated his entire police force'. Phrased in the language of this research, the initial rigidly delimited yet personal reality held and conveyed by the mayor concerning the conduct of the officers is not accepted by Mr. Palladino, who — throughout the aftermath of the shooting — maintains an equally rigid, yet universal reality concerning the officers' conduct. Moreover, the union leader maintains that most if not all police officers did not accept this either, and that consequently the words of the mayor might have had a negative effect on one of its stakeholders, and ultimately the process of the entire debate. In Mr. Palladino's view, the mayor should stick to a predetermined role in the debate ('proper position'). This proper position comprises the panoptic 'us' reality conveyed by the mayor for the most part of the aftermath, which for that matter does not clash with the reality held by the DEA ('let's have a calming effect in the city, let's have the criminal justice system do their investigation and let's see where this case takes us'). Within the rigidly defined reality held by the union leader, the reality that the conduct of the officers was 'inexplicable' proved to be false ('he ate his words'), according to Mr. Palladino, because a court of law acquitted the detectives.

It is important to note that in Mr. Palladino's view it is not so much Mayor Bloomberg himself who is to blame for his 'alienating' statements, but those that instigated the 'political pressure' on the mayor. Thus, the overall conduct of the mayor is interpreted far more positively by Mr. Palladino than by Mr. Barron.

#### WALTER LIDDY AND JOSEPH MANCINI

The PBA, similar to the DEA, is not positive about the communication practiced by Mayor Bloomberg both after the Sean Bell shooting and in general. The following excerpt from the interview held with Mr. Mancini and Mr. Liddy shows how the perceived communication is negatively evaluated by the two PBA spokesmen:

*Mr. Liddy and Mr. Mancini characterizing Mayor Bloomberg's communication both after the shooting and in general*

Mr. Liddy:

**Every time we are very sensitive about being prejudged.** Mayor Bloomberg has the entire city of New York as his constituency. **Sometimes he says things that sound almost like he is prejudging the case.** If I remember well, one of the quotes might have been that the shooting sounds **excessive** to him. That influences a jury pool — that influences almost a tone.

Mr. Mancini:

I think [he said] **unjustified**.

Mr. Liddy:

**Unjustified** ... you use those words and that'll set a tone, **where you'll give a huckster like Sharpton at least some credibility**, because he'll say, **well I'm just quoting the mayor on this**.

Michelle Knight:

He said it is 'inexplicable and unacceptable' ... 'it sounds to me like excessive force was used' and 'I can tell you that it is to me unacceptable or inexplicable how you can have 50-odd shots fired.'

Mr. Liddy:

Again, **he taints the whole general attitude now and to the police officers themselves ... Imagine you're that police officer who made that split-second decision at 3 o'clock in the morning** on a terrible night and hears the mayor saying 'it's unacceptable' and 'it's not justified' and **again you'll have people like Sharpton and Barron and whoever, the agitators, they don't need to create their own issue, they just quote Mayor Bloomberg**.

Michelle Knight:

[Yet Mayor Bloomberg] also said '**But we have to wait until the investigation**'.

Mr. Liddy:

**Well, you should just say 'I reserve comment until the investigation'**.

Mr. Mancini:

Yeah, 'we have to wait'.

What is first striking in the statements above is how both union administrators believe that the mayor said that the shooting was unjustified, while the mayor did not use those words literally. In other words, even though the mayor did not actually use the word 'unjustified', the messages delivered by Mayor Bloomberg are interpreted by both administrators as a denunciation and incrimination of the implicated officers. Mr. Liddy and Mr. Mancini for that matter respond in a way similar to Ms. Jones-Brown and Mr. Dunn on the communication of Mayor Bloomberg. Yet while Ms. Jones-Brown and Mr. Dunn believe the mayor 'backed away' from his initial positioning, which he did not do literally, Mr. Liddy and Mr. Mancini in turn believe the message conveyed by the mayor was more rigid than it in fact was.

When the two interviewees hear what the mayor actually said, both still perceive the transient positioning held by Mayor Bloomberg and the related transient perceptions conveyed by him as rigid and condemnatory. More specifically, these statements by the mayor have a negative effect on the process of debate, according to Mr. Liddy, as they provide unreliable police critics such as Mr. Barron and Mr. Sharpton with tools to criticize the police unjustly, while the statements also hamper the specific judicial processes, as the mayor in fact prejudges the conduct of the officers. In addition, the

words have a negative impact on the morale of the NYPD officers ('to the police officers themselves').

From a different vantage point, Mr. Liddy also gives insight into the rigidly defined reality held by police defenders themselves on the shooting ('Imagine you're that police officer who made that split-second decision at 3 o'clock in the morning') as well as the overall rigid positioning held by this group ('Well, you should just say 'I reserve comment until the investigation', 'Every time we are very sensitive about being prejudged') by which realities held by others are denounced. The latter fragment also shows how communication can result in victimization, a notion that is expounded extensively by the PBA administrators:

*Discussion on how the initial statement of the mayor can affect the morale of the NYPD*

Mr. Liddy:

**It is terrible for the morale of the NYPD, for all officers involved.** They feel that ... you know, we are all working not only for the citizens of New York City; I mean, he signs our paychecks, **we are working for him. You would hope that [he'd] say nothing or give us the benefit of the doubt.** There was an ongoing investigation and ultimately these officers were exonerated.

Michelle Knight:

Is this worse for the morale than signs saying 'death to all pigs'?

Mr. Liddy:

**[Yes], because we expect that,** but when it comes from the mayor, the mayor of New York ... **when it comes from your boss, yes that is terrible.**

What is noticeable in this excerpt is how the statements made by the mayor are perceived as harsher than the signs and slogans conveyed by police critics, and moreover, they can lead to more victimization, because the mayor is considered an 'us' ('when it comes from your boss') and it is therefore surprising that he makes such a comment, while the communication of 'them' is predictably harsh ('Yes, because we expect that'). Mr. Liddy and Mr. Mancini for that matter make a distinction between the position taken by the mayor and the expected role/position of a mayor:

*Mr. Liddy responding to the previously discussed quote of Police Commissioner Kelly: 'I can't afford to have a visceral reaction'*

That's fine, that's **what the mayor should have said.**

*Mr. Liddy speaking about his overall perception of Mayor Bloomberg's communication*

Bloomberg is a politician, you know he carries himself in certain ways, being a multi-billionaire **he's got a certain detachment to what the real world is, so you're not shocked when he throws you under a bus or prejudices you.**



*Mr. Liddy responding to the previously discussed quote of Mayor Bloomberg: 'It also needs to be said that being a police officer, as we were reminded several times last week, is a very dangerous job. And although a trial will decide whether crimes were committed in this case, day in and day out the NYPD does an incredible job under very difficult circumstances'*

He said that because he has to say that and he said that because he was cleaning up the mess he made by seeming ... that he judged those officers guilty until the case was resolved. That was probably one of his ... **he sometimes has a tin ear with these things** ... That was probably one of his advisors saying hey Mike you better clean that up.

*Mr. Mancini comparing the positioning of Mayor Bloomberg to that of former Mayor Giuliani*

Mayor Bloomberg has given him some credit too by meeting with [Mr. Sharpton], whereas the previous Mayor Giuliani wouldn't. Well I don't like Giuliani, you don't like Giuliani for certain reasons but **he was the kind of guy who would not give Sharpton any credibility**.

While, Mr. Liddy would have rather seen that Mayor Bloomberg had taken a similar positioning as Police Commissioner Kelly ('That's fine, that's what the mayor should have said'), the communication of the mayor is not completely unexpected ('you're not shocked when he throws you under a bus or prejudices you'). Mr. Liddy's perception of the overall character and conduct of the mayor for that matter is not positive ('he's got a certain detachment to what the real world is', 'he sometimes has a tin ear with these things'), while Mr. Mancini points out how his character deviates from that of former Mayor Giuliani, 'who would not give Sharpton any credibility'. Thus, while both interviewees argue that the role taken by Mayor Bloomberg is fixed, they also maintain that the role of mayor in general is not.

#### GARY LEMITE

The perceptions held by Detective Lemite on Mayor Bloomberg's communication are to a certain extent in line with that of the PBA and DEA, although he is less explicit in denouncing the mayor's communication. His own positioning is for that matter more coalition-oriented than that of the other interviewed police defenders. The following excerpts give insight into Detective Lemite's perceptions of the mayor:

*Discussion of Mayor Bloomberg's initial statement after the shooting*

Detective Lemite:

Well, **I don't think the mayor had any other choice, but to really say that ...**

Michelle Knight:

Do you think the police commissioner could have said this [the mayor's initial statement]?

Detective Lemite:

The police commissioner could have said that, absolutely, and it would have probably made the community feel better. But it definitely would have hurt the way some of the people that work for him [see him]. They are out there working every day and [...] risking their lives; **it**

**would have made them feel like there is no support. The thing that we are taught from the very beginning is that you've got to do a thorough investigation, before you come up with a conclusion.** So that is all the police ever really asked for.

*Detective Lemite speaking about the differences between the former Mayor Giuliani and the current Mayor Bloomberg*

I think cops for the most part love Giuliani because he would never condemn the cops immediately, because we were used to past mayors condemning cops immediately, so Giuliani was very slow and would wait a while; he wanted to get the facts, but cops hated Giuliani because he lied about when the contract stopped with us, so overall we didn't like him but **we liked the fact — and this is the guys that I talk to and myself — that he was very slow to criticize us when the incident happened.**

[...] **I think he [Mayor Bloomberg] is a little bit more appealing to the communities.** One of those quotes **'it appeared that the police were definitely wrong' that may have been a little premature;** I mean eventually he was probably right **but [still ...].**

The excerpts above first give insight into how Detective Lemite believes the mayor is restricted in his communication ('I don't think the mayor had any other choice'), similar to other stakeholders who believe that Police Commissioner Kelly is restricted in his communication. Yet whereas Police Commissioner Kelly is restricted in making forceful statements that denounce (or approve) the conduct of the officers, Mayor Bloomberg is restricted in that he is obliged to make such statements.

Although Detective Lemite understands the restrictions the mayor had to deal with in his communication after the Sean Bell shooting, he does not agree with the statements made by him. His rejection of the mayor's statement is more subtle than that of the other interviewed police defenders ('but to really say that', 'that may have been a little premature ... but still', 'The thing that we are taught from the very beginning is that you've got to do a thorough investigation, before you come up with a conclusion'). Moreover, he indirectly shows what the effect of such statements is by relating the statement made by the mayor to the police commissioner: 'It would have made them feel like there is no support'. What is interesting is that the detective's description of the quote is again more rigid than the actual statement by Mayor Bloomberg: The mayor did not use the words 'definitely' or 'wrong', and moreover, he did say that it was necessary to await the investigation. The effect of the communication thus involves amplification of the rigidity, which leads to victimization of police personnel such as Detective Lemite.

The detective argues that former Mayor Giuliani's positioning in regard to police shootings is more positively evaluated by police officers as he 'was very slow to criticize us when the incident happened' and for that matter showed more support. However, from a stakeholder-observant perspective, the detective also maintains that the communication of the mayor can have a positive effect on police–community relations ('I think he is a little bit more appealing to the communities').

CHARLES TESTAGROSSA

The Queens Assistant District Attorney, Charles Testagrossa, was also asked about his perception of the mayor's communication. His appraisal of the mayor's response to the shooting lies in between that of the police critics and police defenders, which can be explained from the stakeholder-observant positioning held by the prosecutor:

*Discussion of Mayor Bloomberg's communication after the shooting*

Mr. Testagrossa:

His reaction was **muted**. I think he **offered sympathy for the victims** ... I think he said something the PBA and DEA found very critical, because he said it was unjustifiable, right? **He said there is no way to justify 50 shots or something to that effect.**

Michelle Knight:

[The mayor said:] 'It sounds to me like excessive force was used. I can tell you that to me it is unacceptable or inexplicable how you can have fired 50 shots'.

Mr. Testagrossa:

Not for nothing, but **that sounds like a reasonable statement to make given the circumstances**. To this day **I will never understand how you can justify 50 shots in that situation**. So I could see where the PBA and the DEA might take issue with that but **I think that that is not an unfair statement to make**.

[...] **The mayor probably is better off not saying that**, but on the other **hand I don't think it is unreasonable** given the facts of the case. **The mayor represents the entire city, so the mayor does not just represent the Police Department**; he represents the people of South Jamaica who had a lot of questions and a great deal of anger and pain out of this incident, so when he says something like that, **I understand why the Police Department may not be happy with that but the mayor represents a broader constituency than the Police Department**.

While Mr. Testagrossa understands the rigid statement made by the mayor at the press conference just after the shooting, the prosecutor — from a stakeholder-observant perspective — also points out how the statement is not accepted by police defenders ('So I could see where the PBA and the DEA might take issue with that') and for that matter could harm the position of the mayor ('The mayor probably is better off not saying that'). By using the verb 'to justify', Mr. Testagrossa, like other interviewees, perceives the initial statement by Mayor Bloomberg as slightly more rigid than it actually was. While the prosecutor mentions the criticism of police defenders, he does not mention the police critics' disapproval of this same statement. This can be explained by the lack of such criticism in the media, such as the *New York Times*, but also by Mr. Testagrossa's own positioning: While he is critical of the police ('I will never understand how you can justify 50 shots in that situation') in a similar way to police critics, he does not believe the mayor's statement is insincere or meek ('that sounds like a

reasonable statement to make given the circumstances'). The prosecutor hence shows more understanding for the criticism of police defenders.

Mr. Testagrossa's personal perception of the mayor's conduct is the product of how the prosecutor interprets the role of Mayor Bloomberg within an organic framing, in which the mayor 'represents the entire city', and not just the Police Department. The role of the mayor is thus perceived to be 'fixed', although he has more leeway than the police commissioner to communicate.

## CONCLUSION

What is at first striking in the analysis of this section is that there is a remarkable difference between those people quoted in the *New York Times* on their evaluation of the mayor's conduct, and the perceptions conveyed by the interviewed stakeholders. A reason for this could be that those interviewed, especially the police critics, are less coalition-oriented. In addition, the date when the statements were made could play a role, as the interviews took place more than a year after the acquittals and hence the interviewees had more insight into the actions taken by the mayor following his communication just after the shooting.

Individual interviewees expound on how they see the role of the mayor. A number of them argue that the role taken by Mayor Bloomberg is fixed (i.e. predictable), while they also maintain that the role of a mayor in general is not. There are exceptions: While Detective Lemite argues that the mayor has to deal with restrictions on what he cannot say, Mr. Testagrossa and Mr. Browne build their interpretation on the notion that the mayor 'represents the entire city', and not just the Police Department. Other interviewees argue rather that the interpretation of the role of mayor is more flexible, by highlighting the remarkable difference in how former Mayor Giuliani and Mayor Bloomberg have responded to controversial police shootings. Interviewees do not share a common vision on how the role of the mayor should be. To police defenders, such a role should be that of soother/mediator that merely focuses on the process, but also that of a representative of the police, as he is their 'boss'. Conversely, police critics prefer a more action-oriented role for the mayor. There is hence a discrepancy between the (perceived) position taken by the mayor and the expected role/position of a mayor.

Those interviewees who see the role taken by Mayor Bloomberg as predictable, place his role within a framing of insincerity, false concern, lack of action, lack of visibility, and a concealed disinterest in solving community issues on the one hand, and insensitivity to the needs of the police and a willingness to give a platform to unreliable police critics, who are in fact setting his agenda on the other. This 'fixed' positioning according to the police critics results in calculated yet meaningless and toothless communication, while police defenders believe conversely that the positioning results in harsh, rash, unfounded and insensitive criticism.

A number of interviewees argue that these communication characteristics are also visible in the public debate that followed the Sean Bell shooting. Interviewees' appraisals of the mayor's public performance in the aftermath of the Sean Bell shooting is mixed at best. While the interviewed police critics mostly believe the mayor's initial stance was non-committal, powerless, and disingenuous, especially his use of the words 'it appears' and the specific use of 'unacceptable', they also believe he backed away from this initial stance, making his positioning even more toothless. More generally, the stakeholder-centered approach of the mayor still failed to demonstrate understanding for the reality held by police critics, including the racial dynamics of the incident. Conversely, the interviewed police defenders mainly argue that the mayor's initial stance was too harsh, incriminating, premature, condemnatory and unsubstantiated.

Only Mr. Browne and Mr. Testagrossa evaluate the mayor's stakeholder-centered approach positively, as they argue that it successfully incorporates the realities of different stakeholders, for example by communicating empathy to the community without condemning the police. These more positive evaluations are in line with the observations made by community leaders in the *New York Times*.

What are the effects of Mayor Bloomberg's communication? What is striking is how, to both police critics and police defenders, a stakeholder-centered panoptic reality does not always contribute to the process of debate if they feel words are not accompanied by action. In fact, as an immediate effect, the mayor's communication results in personal inflammation, disappointment, victimization, doubt in regard to the mayor's sincerity, and overall negative perceptions and a rejection of both sender and message. The mayor's communication also results in a perceived skewed and amplified reality concerning the messages conveyed by the mayor. Police defenders argue that the communication can lead to alienation, victimization and a decrease in police morale. Police critics, in turn, argue that the communication does not make a difference. From a broader vantage point, interviewees maintain that the communication of the mayor has a detrimental effect on both the process of debate and the judicial processes. The stance taken by the mayor could even harm the position of the mayor himself.

The almost universal, yet diverging criticism from both sides of the political spectrum perhaps gives more insight into the rigid positioning of the interviewed stakeholders than it does on the conduct of the mayor. The analysis in this section in fact has shown how Mayor Bloomberg's panoptic reality and stakeholder-centered approach are denounced by those who maintain a rigid positioning, as they won't accept perceptions and interpretations that are not in line with their own, while arguing that those perceptions and interpretations conveyed by the mayor that are in line with their own are merely the truth. Those who are more coalition-oriented are for that matter remarkably milder in their evaluation of the mayor's communication than those who are not.

## 7.5 Interviewees' appraisals of judicial stakeholders

The interviewed stakeholders talk only sparingly about the communication of judicial stakeholders in the debate that ensued after the Sean Bell shooting. Moreover, they do so mainly at my instigation. Although the interviewees consider judicial stakeholders to be important players in the public debate, it is mainly their actions, and not so much their communication, that is appraised. The following analysis is thus notably shorter than the previous sections.

### CHARLES BARRON

City Councilman Charles Barron is one of the few interviewees who, during the interview, speaks more extensively about the Queens DA's office. He focuses mainly on the actions taken by Mr. Browne in the shooting's aftermath, although he also talks about how the district attorney communicated in the public debate. The following statements show how actions and communication are closely related in the perception of the city councilman:

#### *Discussion about the Queens DA's office*

Mr. Barron:

We met with DA Browne in the Bell case. **Softball prosecution, meaning it was a weak.**

Michelle Knight:

How did he communicate to the press in the weeks after the shooting?

Mr. Barron:

**Weak, it could have been stronger and outlining what he felt the laws were that they actually violated and why he is seeking these kinds of indictments.** He mentioned some things but not like **emphatically** that this **is a clear case of** ... whatever the things were, like reckless endangerment, I think they had on there. I think they had assault and manslaughter. It is like — **he should have really got in that press** and said **'Let me show you why this is manslaughter'**. **I am not saying try it in the media, but since you are talking to the media then show them why, and he didn't do that.**

**[...] It was nothing, it was weak. I'm not saying to try it in the court of public opinion, but say something stronger than what he said.**

First of all, the quotes above demonstrate how the DA's action and communication are correlated according to Mr. Barron, as the city councilman labels all actions, including communication actions, as 'softball prosecution'.

Although Mr. Barron evaluates the communication articulated by the DA's office as weak, his evaluation is marginally less negative than his appraisal of the NYPD's communication. The criticism conveyed by Mr. Barron that the communication of the DA's office 'could be stronger' by detailing what 'he felt the laws were that they actually violated', and by telling 'why he is seeking these kinds of indictments', to a certain extent are in line with the observations made in this research, that the

communication of the office prior to the trial is nondescript, non-emotional/non-empathetic and process-driven. This specific nature of the district attorney's communication is denounced by Mr. Barron and thus results in an overall rejection, an inability to understand the district attorney's reasoning, and the upholding of negative perceptions by the city councilman.

Mr. Barron argues that there is still some leeway within the district attorney's scope of communication. More specifically, Mr. Barron maintains that more informative, emphatic communication is possible without the district attorney having to give up his position that the case should not be tried 'in the court of public opinion', as he is already speaking to the press. The city councilman for that matter shows a measured degree of understanding for the reality held by the DA's office, more so than he does for that of the NYPD.

#### DELORES JONES-BROWN

John Jay College professor Delores Jones-Brown is the only interviewee who proactively talks about the communication of the two judicial stakeholders in the Sean Bell debate, i.e. the Queens DA's office and Judge Arthur Cooperman. In a similar way to Mr. Barron, she links action to communication in her appraisal of the Queens DA's office. Her appraisal is hence much in line with that of Mr. Barron, as the following interview excerpts show:

*Ms. Jones-Brown appraising the conduct and communication of the Queens DA's office in the aftermath of the Sean Bell shooting*

One thing I was most **disappointed** in was [...] that it is still **unclear to me why the prosecutor read the officers' grand jury testimony into the record. To me that is sort of a fatal flaw.**

[...] My job as a prosecutor — and I used to be one — is to make the best case for the charges that I had thought for a court. **It is not the responsibility to make the other person's defense for them.**

[...] He just seemed, in the meetings that we had, **not to have decided sort of either way** you know, who was right and who was wrong. I felt like he was [...] **going to prosecute this case for the people, which includes the Bell family and the folks in Queens who had their neighborhood [shot up].**

While the above shows how the actions taken by the DA taint her perceptions of the district attorney's communication efforts, her appraisal in fact can also be seen as a response to his communication in the public debate, as the district attorney's statements did not convince the professor that it was necessary to read the grand jury testimony into the record. In fact, the district attorney's justification was not quoted in the *New York Times*, which to a certain extent shows that such a justification for this decision was not a focal point of the DA's communication. As a direct result, this lack of communication fosters the previously discussed police critics' belief, now subtly conveyed by Ms. Jones-Brown, that the district attorney and the police are too close and hence the former can't

prosecute the case independently ('It is not the responsibility to make the other person's defense for them').

The meetings held with Mr. Browne prior to the trial are more positively appraised by Ms. Jones-Brown as it gave her the positive impression that the district attorney was going to prosecute the case 'for the people', although she is not completely sure about his intentions ('not to have decided sort of either way'). The communication during these meetings thus resulted in Ms. Jones-Brown's trust, although, again, it didn't result in her understanding of the district attorney's intentions. The communication could thus have been more informative in her view.

Ms. Jones-Brown also proactively talks about the communication of Judge Arthur Cooperman, i.e. his official statement that accompanied the verdict, which was discussed in Part II, Chapter 5. She rejects both the content and the delivery of this statement:

*Ms. Jones-Brown appraising the conduct and communication of Judge Cooperman after the Sean Bell shooting*

I read Judge Cooperman's statement of reasons for finding [the officers] not-guilty on all accounts. **I was disappointed.** One of my former students said — he appears in front of Judge Cooperman quite a bit — and he is typically a fair Judge, **but what I read is mostly a condemnation of the witnesses and he just came across ... It was legally inconsistent, in that there was very little law in the decision. He puts down the witnesses. And his disdain, his distrust came across very clearly.**

[...] So for him to **hang his opinion on his dislike of Benefield, and the other witnesses, I think Joseph Guzman and other witnesses in the case, diminishes my view of him, based on what my student has told me that he is normally a fair person.** [...] **This unwillingness to see police officers as offenders, and the unwillingness to see the victims as victims, is a problem that we see in other cases.**

[...] **If you read his reasoning, he reminded me of Paul Browne. You are going to let that out in public, that this is why you came to this decision? I brought it down to: 'He hated the witnesses'.**

In the excerpts above, Ms. Jones-Brown both rejects the judicial validity of the judge's reasoning ('It was legally inconsistent, in that there was very little law in the decision'), as well as the method of communication, which she considers to be harsh, blunt, yet uninformative ('what I read is mostly a condemnation of the witnesses'). Both this evasiveness and her response to this are in line with her appraisal of the communication of Paul Browne, which was equally negative. In addition, she rejects the perceived motives for this reasoning ('his disdain, his distrust came across very clearly', 'This unwillingness to see police officers as offenders, and the unwillingness to see the victims as victims is a problem that we see in other cases'). Judge Cooperman's conduct and communication are not unique according to Ms. Jones-Brown ('a problem that we see in other cases'). Her observation for that matter supports the assertion of this research that police critics interpret the aftermath of the shooting as part of a historical and organic pattern of systematic judicial and political failures.



The communication of Judge Cooperman results in Ms. Jones-Brown's rejection of message, sender, and motivation, despite her initial positive perceptions of the judge ('diminishes my view of him, based on what my student has told me that he is normally a fair person'). In addition, it results in Ms. Jones-Brown's simplification ('I brought it down to') and amplification ('he hated the witnesses') of the judge's reasoning. The method of communication, moreover, appears to overshadow the message itself in Ms. Jones-Brown's appraisal, as she does not comprehend the reasoning, yet still denounces it. On the other hand, the main message conveyed in the reasoning, i.e. the acquittals of the officers, is also denounced by Ms. Jones-Brown, which can also be the cause for her disapproval of the method of communication. For that matter the appraisal above also reflects the police critics' rigidly delimited desired outcome of debate. More specifically, the notion of justice is so clear-cut to her and other police critics, that it is hard for them to understand that other stakeholders have a different judgment and hence counter debate/reality challenges such as the one above by rejecting both message and sender.

#### WALTER LIDDY

In the interview held with Mr. Liddy, the PBA spokesman speaks briefly about the Queens DA's office. In his appraisal, he focuses on the overall competence of the district attorney. What is remarkable is that while Mr. Liddy can vividly recapture the harsh communication of police critics, and even, to a lesser extent, that of the NYPD, he cannot recall specific messages conveyed by the district attorney. Of course, Mr. Liddy's inability to bring up specific messages can be explained from the fact that the PBA was an outsider, only operating 'on the periphery'. However, he is able to bring up such messages by the police critics, which shows how communication that is perceived as negative is used as a way of denouncing the conduct of specific stakeholders.

After being asked what his opinion was of the communication deployed by the DA's office, Mr. Liddy gave the following response:

#### *Mr. Liddy talking about the Queens DA's office*

I am really **on the periphery** here and I hope I am not giving a different opinion than Mike Palladino but **it seemed to me from outside that it was professionally handled**. And you have to remember, in New York everything is magnified and **again when you have the Sharptons and the Barrons and the hucksters and the agitators going out there, DA Browne is under a lot of pressure to bring an indictment and you know, the justice system** ... you know ... if everything was skewed in favor of the police officer, obviously there would've been no indictments, it would've been 'okay, justified, let's move on to the next case'. It's not that way and these police officers are all still ... none of them are on the street ... none of them have their weapons, they are still in limbo; no one knows what's going to happen to them.

But I have **no problems with the DA's office**, I feel **they should never have brought an indictment but I think of all the district attorneys Richard Browne is extremely professional** ... I can imagine the political pressure on Richard Browne.

In this excerpt, Mr. Liddy does not detail the quality of the communication conveyed by Mr. Browne. However, by stressing the professionalism of the district attorney, by approving his conduct, and by demonstrating understanding of the difficulties he is facing, Mr. Liddy indirectly shows how Mr. Browne's delivery of messages does not have a detrimental effect on his perception of the DA. His appraisal is much more in line with how police defenders see the aftermath of the shooting as part of a pattern of overall judicial justice (which has not always been 'fairly' applied due to the unfair criticism, methods and motives of police critics).

## CONCLUSION

The fact that interviewees talk so sparingly about the communication of judicial stakeholders can indicate that this communication — either in a positive or negative sense — does not stand out in the interviewees' overall perception of the public debate. The analysis so far has shown that interviewed stakeholders recall and repeat especially those communication elements that were negatively appraised at the time they occurred in the public debate. From these observations it can be deduced that the evaluation of judicial stakeholders' communication either ranges from neutral to positive, or that interviewees simply do not find the (communication of) judicial stakeholders important. This latter assertion, however, is to a certain extent invalidated by the profound attention given by police critics in the *New York Times* to the performance of the judicial stakeholders throughout the entire process and to the question of whether a special prosecutor should be installed, as discussed in Part II, Chapter 5.

The interviewees do not explicitly say that judicial stakeholders take a particular role in the Sean Bell debate. However, they do allude to this notion more subtly, by saying that there is much political pressure on Mr. Browne (Mr. Liddy), and by pointing out that the district attorney appears to be siding with those in defense of the police at certain moments and that the roots for the judge's actions and communication can be found in pro-police sentiments and prejudices towards community members (Ms. Jones-Brown). The amount of attention given by police critics in the press to the ties between the police and the judicial system is in line with her perception.

Yet the interviewees mainly focus on the actions taken by judicial stakeholders, and not on their communication. During the interviews, the appraisal of actions and communication for that matter is correlated: The analysis has demonstrated that disapproval of actions leads to disapproval of communication, and vice versa. While Ms. Jones-Brown and Mr. Barron see the district attorney's overall conduct — including his communication efforts — as weak, Mr. Liddy appraises the district attorney's actions and communication as competent and strong. The former believe that communication should be more explanatory and emphatic.

In the perception of the interviewed police critics, the communication of both the Queens DA's office and that of Judge Cooperman is mostly weak and uninformative, while the latter communication is also characterized as blunt and harsh.

The communication of judicial stakeholders mostly has a negative effect on the perceptions held by interviewed police critics on both the communication and the overall conduct of the DA, although this effect is not as strong as that of the NYPD. Moreover, it resulted in rejection of the message, sender, and motivation, and an inability to understand the reasoning of judicial stakeholders. Judge Cooperman's verdict even led to inflammation. In addition, the communication leads to simplification and amplification of messages. The chosen communication approach in fact functions as noise, deflecting the content of the message, i.e. the reasoning for actions taken. Only the communication of the district attorney during the meetings prior to the trial has a positive effect on Ms. Jones-Brown, leading to her trust and (temporary) approval.

Conversely, the communication of judicial stakeholders has a positive effect on the perceptions of Mr. Liddy, although he does not always agree with the messages conveyed. This discrepancy between interviewed police critics and police defenders can be explained by their opposing positioning in the debate, and their divergent interpretation of the conduct of judicial stakeholders.

## 7.6 Conclusions and outlook

Although the interviewees' appraisals of stakeholders involved in the Sean Bell debate appear to be divergent, the analysis has distinguished a number of trends in the perceived roles and character of communication of these stakeholders, as well as the effects this communication had on the debate and related developments. This section both looks at these overarching trends and developments and discusses some of the statements made by (stakeholder-observant) interviewees who also shed light on this.

First, most interviewees believe that stakeholders (other than the stakeholder group to which the interviewee belongs) have a fixed, predictable role in the aftermath of the Sean Bell shooting, but also in other debates in which the police are pitted against the community. Although the nature of these roles may vary, ranging from agenda-setter, anti-police agitator and catalyst (police critics, particularly Mr. Sharpton and Mr. Barron), to that of indifferent, self-centered, reflexively defensive police supporters (the NYPD, police defenders, particularly the unions, and to a lesser extent judicial stakeholders), these roles are generally characterized as rigid, reflexive and calculated. Only the perceived role of the mayor varies to any great extent, depending on the positioning of the interviewees. Just a few interviewees bring up exceptions to such fixed roles, arguing that the roles taken by the Rev. Sharpton and Police Commissioner Kelly deviate from the past.

Interviewees repeatedly mention that these fixed roles are driven by an 'agenda', often rooted in political/economic motives, prejudices, and 'us-versus-them' sentiments, but are also more stakeholder-typical concerning broader-agenda criticism (police critics), fraternal sentiments, ingrained deference, over-protectionism (police defenders) and a hyper-sensitivity to criticism, a self-centered facts-driven reality, and an unwillingness to take sides publicly (NYPD). Other interviewees do not look at the background of these roles, but — more fatalistically — believe that the roles of the NYPD, the mayor and judicial stakeholders are job-related and often restricted by external factors.

These fixed, predictable roles result in an equally fixed and predictable arena of debate, as pointed out by some of the stakeholder-observant and more conciliation-oriented interviewees:

*Interviewees describing the characteristics of the debating arena that emerged after the Sean Bell shooting*

Mr. Wilson:

It's sort of like everyone plays their **role** in a situation like this. And then [...] **it dies down and then it is going to happen again**. Sharpton is going to do what he does, Barron is going to do what he does, the Police Department and whoever the mayor is then, they are going to do what they do.

Mr. Testagrossa:

You generally have in a situation like this, I guess interest groups giving their point of view on the incident that happened and the Police Department **reflexively** defending its own people so I guess the reaction in the wake of the Sean Bell shooting **was typical for this type of case**, although it is unusual, they do seem to happen every five, ten years or so.

[...] **Neither the department view nor the view of Mr. Sharpton and other community spokesmen are particularly nuanced. They basically go right to their usual positions and then argue from there.**

Because each of the stakeholders ‘plays’ a fixed (‘reflexively’), premeditated and rigid (‘Neither [...] particularly nuanced’) role in controversial debates such as that of Sean Bell, Mr. Wilson and Mr. Testagrossa maintain that the debates themselves becomes predictable too (‘it dies down, and then it is going to happen again’, ‘typical for this type of case’). In fact the Sean Bell debate can be characterized as a foreseeable play, in which stakeholders commence from exactly the same point as they did in previous debates (‘They basically go right to their usual positions and then argue from there’).

From there on, the overall communication and interaction between stakeholders is predictable, in line with the anticipated nature of the messages conveyed and rhetorical strategies deployed by individual stakeholders. These messages are generally characterized as biased and selective, yet differ in nature, depending on the stakeholder group. The communication of police defenders and police critics is mainly described as inflammatory and emotions-driven; that of the NYPD (and to a lesser extent judicial stakeholders) as uninformative and non-committal, process-focused, non-empathetic; and that of the mayor either as toothless or as too harsh. Moreover, the interviewees argue that the statements tend to convey the diverging interpretations and rigidly defined realities held by stakeholders. Strategies that are used by stakeholders from both sides of the debate include distortion, displays of immoderate, harsh and passionate rhetoric, the exacerbation of (racial) contrasts and the ‘us-versus-them’ schism, simplification/generalization, and the lumping together of both incidents (police critics) and of criticism/critics (police defenders/NYPD). Stakeholder-observant interviewees describe how these messages and strategies interact in the public debate after the Sean Bell shooting:

*Interviewees describing the overall communication that occurred after the Sean Bell shooting*

Mr. Wilson:

**No one is really communicating after a situation like that in New York. They are just yelling at each other through the newspapers and TV. They are not talking to each other physically; there were no police critics who were sitting down with the police.**

Mr. Testagrossa:

Well, I mean there were **people who were crying out that the police were unjustified you know**, some of the **participants are the same participants** you see in this type of incident historically like, you know, the Rev. Al Sharpton, **some political figures will make their**

**statements.** The Police Department, usually through the police commissioner, or his spokesman, **will make statements that will defend the conduct of the police officers** initially and that is really typical I think. We saw that in Sean, Diallo and some of the other cases involving deaths caused by police officers in their on-duty activities.

Both interviewees show how the combination of messages and communication strategies lead to a situation where all stakeholders follow a predictable script ('will make their statements'), but in which no actual dialogue occurs ('No one is really communicating after a situation like that in New York. They are just yelling at each other').

The analysis also discussed the immediate effects of this communication on the interviewed stakeholders, and the perceived effects on the public debate. What is striking is that interviewees mainly bring up communication that is perceived as negative, which indicates that bad communication especially influences the debate, whereas good communication has a more neutral effect.

By looking at the immediate effects, it is remarkable that the communication from opposing stakeholders often has a similar immediate effect on the interviewees, ranging from simplification/generalization and consequential rejection, distrust, retaliation, personal inflammation, mockery, inability/unwillingness to understand the content of the messages (due to noise), amplification and distortion of communication, and reversion to the stakeholder's reflexive perceptions, interpretations, and positioning, for example the 'lauding of personal/organizational conduct' (NYPD), the reversion to the interpretative framing of police misconduct and racial injustice (police critics) and emotional blackmail/victimization and communication of self-centered reality (police defenders). Thus, a rigid positioning and an unwillingness to communicate lead to equal rigidity and evasion, and — from a broader vantage point — to a predictable, repetitive, polarized and deadlocked dialogue, or even worse, a downward spiral of action and reaction.

On a broader scale, this also occurs in the public debate that occurred after the Sean Bell shooting. Apart from the immediate effects just mentioned, which thus also take place in the broader debating arena, interviewees argue that stakeholder communication can lead to alienation, violence, prejudices and racism, thus exacerbating patterns of victimization, antagonism and 'us-versus-them' sentiments. Also important is how the shielding from all criticism can result in the rejection of valid criticism. More positively, communication can serve to maintain equilibrium by countering the communication of other stakeholders (agenda-setting, toning down of rhetoric, and so forth). Yet interviewees also point out that other stakeholders will never be persuaded to take a less rigid stance. Some communication is perceived to have no effect at all, such as that of the mayor (police critics).

Overall, the communication does not just have a negative effect on individual stakeholders, but also affects the entire process of debate, the judicial processes, the conduct and safety of the police, and the long-term relationship between the police and the community. These overall effects are summarized by a few of the more stakeholder-observant/coalition-oriented interviewees:

*Interviewees describing the effects of stakeholders' communication*

Mr. Wilson:

**I don't think anything would ever change as long as those same forces are at work.**

[...] **I still think it will never change, because I think all the shouting back and forward and saying the opposite things, it is all just part of the process;** it is a process that the city sort of goes through.

[...] **I think it's just a human process, at least a New York City human process. Through these people a city feels what happened and tries to sort it out and have it make sense to them and then it dies back down again.** If Al Sharpton goes away somewhere and someone else will replace him, it is all going to be the same, [...]. It is all going to be the same. They're not going to have a shooting or something and have critics and police sit down together and talk, you know, like this and come out of the meeting and say everything is going to be fine, don't everyone get excited, let's wait until the facts come out.

Mr. Testagrossa:

[...] Whatever the verdict was in that case **there is always going to be one large segment that was going to be very unhappy.** So you're either going to have the Police Department happy because there is an acquittal and then you'll have an unhappy community and families of the victim and friends of the victim or the other way around, the families of the victim, friends and community are happy and the Police Department is very upset.

[...] On both sides what happens in these incidents [is that it] affects the morale of either the community and **their feeling of either being full-fledged partners in our society or not** and the Police Department as **feeling like you're doing a very dangerous job and you are totally unappreciated.**

Ms. Jones-Brown:

**I don't think there was ever any opportunity for any of the groups involved to communicate at a level where they could find common ground.**

Mr. Downing:

I would generally say that the communication during the Sean Bell incident and what followed afterwards pretty much followed **the polarized state of police and community relations.**

[...] Well I think on the one hand that the police are defensive because they have had a history of having these kinds of high visibility shootings take place and there doesn't seem to be any end to them and **the solution that the system seems to have come up with is** — find the officers not guilty, but pay the families large sums of money, relatively large sums of money, almost as if it is a form of economic compensation, **but not a form of ending the problem, or solving the problem.** People got paid for the damages: **So, the system worked.**

These excerpts expose the interviewees' beliefs that, while on a superficial level the system might appear to 'work', in fact all that worked was the succession of premeditated steps in the process, as the debate was not resolved ('all the shouting back and forward and saying the opposite things', no 'common ground' was found), and hence sowed the seeds for the next debate, which will have a

similar format ('I don't think anything would ever change'), due to the interaction of the powerful forces described ('as long as those same forces are at work'). This process is fatalistically seen as an incontrovertible fact ('it is all just part of the process', 'I think it's just a human process, at least a New York City human process', 'there is always going to be one large segment ... very unhappy'), yet nevertheless has a negative effect on the morale of both the community ('their feeling of [not] being full-fledged partners in our society'), and that of the police ('feeling like you're doing a very dangerous job and you are totally unappreciated'), which in turn leads to a 'polarized state of police and community relations'. What is interesting is how Mr. Testagrossa's characterization of this process of mutual victimization and decrease in morale relates to the perceptions 'I am Sean Bell' on the one hand and 'A matter of seconds' on the other, as well as on the self-centered interpretative framings of police critics and police defenders, as discussed in Part II, Chapters 1 and 3.

While interviewees mostly want stakeholders to communicate and position themselves in a way that is in line with the interviewees' own positioning, they — from a more general perspective — positively appraise communication that is fair, mild, variable, apologetic, coalition-oriented, problem-solving, and agenda-free. This communication can lead to understanding, trust, diminishing of tensions, and even partial acceptance. Some of the communication is evaluated this way, ranging from that of State Senator Malcolm Smith, Mayor Bloomberg, the Rev. Sharpton, Police Commissioner Kelly, Mr. Browne, and Inspector Blake.

However, if an individual stakeholder chooses to adapt to such desired communication, it would not necessarily lead to an improvement in the overall processes of the public debate. First of all, communication and actions are entwined, and hence communication should be accompanied by actions. Second, the communication that can appease one stakeholder group will often inflame another, partly due to conflicting perceptions of the role of stakeholders, for example that of Mr. Bloomberg as boss (police defenders), or that of representative of the city (police critics). Different communication can also have adversary effects on the process of debate, due to specific restrictions, as pointed out by several interviewees.

In any case, the communication in itself is hard to change: The stalemate position sketched by different interviewees is the result of the equilibrium created by different forces, which are hard to change due to the paradoxical perceptions and desires of different stakeholders. For example, while the NYPD and police defenders denounce the role of harsh community leaders such as Mr. Barron and Mr. Sharpton, they do not proactively talk about the communication of Mr. Smith, as his milder, less confrontational communication does not set the agenda of the newspapers and of the NYPD/police defenders. Moreover, they use techniques such as depersonalization and mitigation, which call for an opposite force to restore the equilibrium. The communication of the NYPD/police defenders for that matter reinforces the role of harsh police critics. Such paradoxical perceptions can also be found on the other side of the debating arena: While the NYPD's communication is partly



restricted by external stakeholders, including police critics, these same forces also criticize the nature of the communication of the NYPD, maintaining that it is defensive and cautious. Hence, the NYPD is labeled as 'defensive', although stakeholders often can't bring up specific examples. The paradoxical perceptions thus result in a self-fulfilling prophecy. From a more general perspective, the stakeholders' own positioning influences the perceptions of other stakeholders, while sustaining the actions that are negatively appraised. For example, whereas police critics and police defenders criticize each other, they also benefit from this rigid positioning and therefore are reluctant to change the created equilibrium.

The discrepancy in appraisals is partly due to the rigidity of the interviewee's own positioning, as discussed throughout this analysis. Mr. Wilson observes how such rigidity in fact can come from both sides of the debating arena:

*Mr. Wilson talking about why people from both sides of the debating arena talk negatively about the press*

**I just think that people like to trash reporters and the media. Everyone thinks, everyone believes that everyone else has an agenda you know [...] both sides are inclined to criticize a newspaper that prints the other side's belief even though the same newspaper might have printed their belief too, you know, get them both in the same story.**

In other words, stakeholders will reject perceptions and interpretations that are not in line with their own, while arguing that those perceptions and interpretations that are in line with their own are merely the truth.

The analysis has demonstrated on different occasions how the perceptions, interpretations and positioning discussed in the previous chapters overlap with those brought up by interviewees, either explicitly or implicitly. Interviewees' evaluations of these characteristics, in turn, show an overlap with the general perceptions, interpretations, and positioning of the stakeholder group to which the interviewees belong, demonstrating the effects of stakeholders' communication on the evaluations and overall communication of other stakeholders.

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<sup>1</sup> Michael Palladino, interview by author, October 21, 2009.

<sup>2</sup> Walter Liddy and Joseph Mancini, interview by author, October 15, 2009. Walter Liddy is the PBA's Manhattan South Financial Secretary; Joseph Mancini is responsible for media relations and is a spokesman for the organization.

<sup>3</sup> Gary Lemite, interview by author, October 15, 2009; Greg Donaldson, *The Ville: Cops and Kids in Urban America* (New York, NY: Ticknor & Fields, 1993).

<sup>4</sup> Paul Browne, interview by author, October 30, 2009.

<sup>5</sup> Al Baker, "Progress in Promoting Black Officers, but Police Department Faces Hurdles," *New York Times*, sec. A, May 11, 2008.

<sup>6</sup> Lourdes Ventura, interview by author, October 30, 2009; New York State Tri-Level Legislative Task Force, *A Report on Improving Public Confidence in Law Enforcement and our Criminal Justice System* (New York, NY: 2008), 1–28.

<sup>7</sup> Lourdes Ventura was not an active stakeholder during the aftermath of the Sean Bell debate, and hence preferred not to discuss specific quotes.

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- <sup>8</sup> Chris Dunn, interview by author, October 20, 2009.
- <sup>9</sup> Charles Testagrossa, interview by author, October 19, 2009.
- <sup>10</sup> Michael Wilson, interview by author, October 13, 2009.
- <sup>11</sup> Charles Barron, interview by author, October 5, 2009.
- <sup>12</sup> Delores Jones-Brown, interview by author, October 6, 2009.
- <sup>13</sup> King Downing, interview by author, October 9, 2009.
- <sup>14</sup> Sewell Chan, "Mayor Focuses on Dialogue in the Aftermath," *New York Times*, sec. B, November 27, 2006.
- <sup>15</sup> Ibid.
- <sup>16</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.
- <sup>17</sup> Sewell Chan, "Mayor Focuses on Dialogue in the Aftermath," *New York Times*, sec. B, November 27, 2006.
- <sup>18</sup> Ibid.
- <sup>19</sup> Kelefa Sanneh, "After a Shooting, a Rapper Stages a Protest in Rhyme," *New York Times*, sec. B, December 2, 2006.
- <sup>20</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.
- <sup>21</sup> Mike McIntire, "At King Events, Politicians Mount New Calls for Justice," *New York Times*, sec. B, January 16, 2007.
- <sup>22</sup> Diane Cardwell, "After Bell, Critics Want Mayor to Broaden Focus on Police," *New York Times*, sec. B, March 21, 2007.
- <sup>23</sup> Manny Fernandez, "In Bell Case, Black New Yorkers See Nuances that Temper Rage," *New York Times*, sec. A, April 27, 2008.
- <sup>24</sup> Diane Cardwell and Sewell Chan, "Bloomberg Calls 50 Shots by the Police 'Unacceptable'," *New York Times*, sec. A, November 28, 2006.
- <sup>25</sup> Ibid.
- <sup>26</sup> In other parts of the interview, Mr. Barron maintains that the remark 'it appears to be excessive' is weak. In this instance, it might be a slip of the tongue.



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